

America, the Senate could have sent a strong, positive signal by moving forward on the Violence Against Women Act. Instead, Leader McConnell carved out another tombstone for his legislative graveyard—another popular bipartisan bill buried with no action by the Senate and tied by the leader in partisan gridlock.

#### CLIMATE CHANGE

Mr. SCHUMER. Madam President, earlier this month, a report from Hawaii's Mauna Loa Observatory found that carbon dioxide levels in our atmosphere have now reached the highest level in human history—in human history. It was a chilling reminder that the threat from climate change is real, immediate, and existential. Almost everyone accepts this science and the gravity of the threat it portends. The only group of folks that still seem skeptical of climate science are Republicans and the Trump administration.

Yesterday the New York Times reported that the Trump EPA is planning to rewrite the established benchmarks for unsafe levels of air pollution. You heard that right. They are planning to use dubious math to obscure the real and long-known health risks of air pollution. These new formulations would result in fewer predicted deaths than what the experts have long agreed to. People will still die. The numbers will just be wrong about the effect.

Why, might you ask, would anyone want to obscure the full health risks of air pollution? Because then the Trump administration could use the fake math to justify further rollbacks to clean air rules at a time when global warming is increasing and when Americans know the danger. This Trump administration and the Republican majority are rolling the clock back—more carbon, more coal, more oil, and more gas, when we need less. We all know that.

What kind of Orwellian nonsense is this? The Environmental Protection Agency making it easier to pollute the environment? It is a textbook definition of “dystopian.”

As my colleague Senator WHITEHOUSE so often points out, dark money lurks behind so much of what the Trump administration does. Big Oil, Big Gas, and big polluters everywhere are the only possible boosters of this decision. It is their money, funneled to political organizations and politicians without a trace of disclosure, that motivates folks in the Trump administration to make it easier to release more pollution into the air.

We should be using the Senate to debate climate policies in search of common ground, but Leader McConnell has decided to bring forward his version of the Green New Deal just so his party could vote against it. We know what Leader McConnell and the Republicans are against. What are they for in dealing with climate change? So far, nada, zero, nothing—they haven't

put a single thing on the floor. The American people see the effects of climate change in their lives, and they know Congress must act. Only the Republican majority stands in the way.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROMNEY). Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Howard C. Nielson, of Utah, to be United States District Judge for the District of Utah.

#### MEMORIAL DAY

Mr. THUNE. Mr. President, Monday is Memorial Day. It is the day our Nation pauses to remember all those who laid down their lives in defense of our country, from Saratoga to Yorktown, to Iraq and Afghanistan.

We enjoy tremendous freedoms as Americans, tremendous privileges, but we do not enjoy these privileges by chance. They are hard-fought gains secured for us again and again by each new generation of American soldiers who lay down their lives in the cause of the free. It is important that we do not take what they have secured for us lightly, that we remember our freedoms have been paid for in blood.

Near the end of the film “Saving Private Ryan,” the dying Captain Miller tells Private Ryan of the sacrifice that has been made on his behalf. He says: “Earn this . . . earn it.”

I am not sure we can ever fully earn the gift that has been given to us by those who have laid down their lives in our defense, but we can attempt to live lives worthy of their sacrifice and to defend the cause for which they gave the last full measure of devotion.

When we remember the fallen on Memorial Day, there is one other group we should remember, and that is their

families. Our Nation's Gold Star families may not have laid down their own lives for our country, but they gave their loved ones, their fathers and brothers, daughters and sisters. For the sake of our freedoms, they live with empty spaces at Thanksgivings and birthdays, at weddings and graduations, at their dinner tables and Little League practices. We owe them a debt also that we can never repay.

I have been privileged to visit more than one veterans cemetery, such as our own Black Hills National Cemetery in South Dakota—which we recently expanded to ensure that our soldiers will have a resting place for generations to come—Arlington National Cemetery, and the American Cemetery at Normandy. There is a special hallowedness to the ground at these places. Valor and sacrifice still linger in the air, and a deep peace abounds—the peace of the warrior who has fought the good fight and found rest from his labors.

General George S. Patton once said:

It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.

I might disagree with General Patton on the first part, as it is right and proper that we should mourn our dead, but with General Patton, I say: Let us thank God that such men and women lived.

May the memory of our honored dead be eternal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

#### HEALTHCARE

Mr. BARRASSO. Mr. President, I come to the floor again today to discuss Washington Democrats' one-size-fits-all healthcare scheme. Every American needs to know about this very radical plan.

Democrats essentially want Washington, DC, to take over all of healthcare in this country and to abolish private health insurance that 180 million Americans get through their jobs. Incredibly, this proposal offered by Senator BERNIE SANDERS has the backing of many leading Democrats running for President and 109 Democratic Members of the House of Representatives.

So I want to continue the debate today by focusing on the terrible impact this radical scheme will have on all of the fine men and women who provide healthcare to people across the country. Of course, the impact on them will impact the patients for whom they provide care and services.

I am talking about the Nation's dedicated medical professionals, especially

those who serve in our community hospitals. I actually know many of these healthcare providers because I am one of them. For many years I practiced orthopedic surgery in Casper, WY. I was a medical doctor, a physician, and chief of staff at the Wyoming Medical Center.

When practicing medicine in Casper, WY—or anywhere in the Presiding Officer's home State of Nebraska—you really treat patients from all over the State. That is because many people in Wyoming live in small towns. I am talking about patients in towns like my wife's hometown of Thermopolis, WY. My wife's parents are there. When they need specialty care, they go to Casper. For those who haven't traveled in Wyoming, it is about a 2-hour drive one way when the weather is good.

My point is, when you work in the Casper hospital, you are actually covering a large area in our State, and that is often the case in many States. So when I hear that Washington Democrats want to have a one-size-fits-all healthcare plan, I wonder if they have given any thought to people in the Nation's heartland, to people out west. Are they considering people in rural communities at all?

I will state that I think about the people of Wyoming every day. I am there every week. The staff at small hospitals who serve rural communities like Thermopolis, Rawlins, Lusk, Kemmerer, and at the Lovell hospital, where I attended a health fair this past Saturday, talking to all of the folks there—their needs are things I am not convinced Washington Democrats have any knowledge of or care for at all. The people at these hospitals work hard just to keep the doors open so that they can continue to care for patients right there.

So alarm bells go off when I see headlines like the one from the Washington Post that said:

"Who's going to take care of these people?" As emergencies rise across rural America, a hospital fights for its life.

That is the headline in the Washington Post, referring to a community hospital in Osage County, OK. The hospital has a sign out front that reads: "A small community is only as healthy as its hospital." That is the truth.

Hospitals across rural America are struggling. Many are, in fact, fighting for their lives. Still, Democrats are offering a plan that will destroy private health insurance in America, which is the lifeblood of our Nation's healthcare system; 180 million Americans get their insurance this way.

Democrats want to drastically reduce provider payments which, of course, would drive many doctors from practice and shutter many small hospitals. The Centers for Medicare & Medicaid Services Administrator has said a one-size-fits-all system "would decimate physician networks, creating a permanent physician shortage."

So how can rural hospitals survive with no financial cushion if Democrats'

one-size-fits-all healthcare plan passes? Just ask the New York Times, of all people. Last month, the Times ran with this headline: "Hospitals Stand to Lose Billions Under 'Medicare for All.'" Hospitals stand to lose billions.

The Times cites a study from George Mason University that found Medicare provider reimbursement rates are more than 40 percent lower than private insurance rates—40 percent lower. At these payment rates, the Times says, "[s]ome hospitals, especially struggling rural centers," like those in the Presiding Officer's home State and mine "would close virtually overnight."

There would be an overnight closure of hospitals under BERNIE SANDERS' and the Democrats' one-size-fits-all scheme for medicine in America.

I am sure a lot of people listening out there are thinking, maybe it is all a mistake; maybe Democrats don't really mean to threaten hospitals. Well, the fact is, Democrats have long argued that hospitals need to close. That is what they have said.

Look at what Dr. Ezekiel Emanuel, who is an architect of ObamaCare and a professor in Philadelphia, said on the subject. He actually wrote a book outlining all of this. It is titled, "Reinventing American Health Care."

He predicted that 1,000 U.S. hospitals would close by 2020. Well, we are approaching that year. We haven't closed 1,000 in this country, but over 80 have closed, and those are rural hospitals.

Last year he published an op-ed in the New York Times—the same Dr. Emanuel—ominously titled, "Are Hospitals Becoming Obsolete?" He writes:

Hospitals are disappearing. While they will never completely go away, they will continue to shrink in number and importance. This is inevitable and good.

Well, not in rural America—"good," he says, that thousands of hospitals and patients who rely on them are forced to close their doors for good. I disagree fundamentally with this principle and what he is saying.

Of course, all people who practice medicine in small towns want to keep the doors open because they know the impact on the lives of the people who live in those communities. Just last week I had a chance to visit with Dr. Mike Tracy, a family physician in Powell, WY. He is past president of the Wyoming Medical Society. He is passionate about caring for his patients, and guess what. He doesn't participate in Medicare at all. Instead, he provides his services privately by charging his patients a set, transparent monthly fee. He does what he does to keep his practice open. His focus is on his patients, not on Washington paperwork, and his patients are very happy. His practice is successful. The patients are happy with the time he is able to sit and be with them and look at them and focus on them, instead of the mandates of a Washington computer screen.

So you see, there are doctors like Mike all across the country who don't

want a one-size-fits-all healthcare system. Many doctors and many small community hospitals cannot afford it, and they will not survive it. Certainly, many rural communities can't survive it.

As the Presiding Officer knows better than most, as he has traveled his State and as I have traveled mine, if a small community loses a hospital, it is harder to attract doctors, nurses, teachers, businesses—all of the things that are vital for a community to have. So the threat is very real in terms of what the Democrats and what BERNIE SANDERS and the one-size-fits-all healthcare plan would bring to our country.

Let me just tell people who are watching the debate right now: Democrats' one-size-fits-all healthcare—what this will mean for you is that you will pay more to wait longer for worse care. That is what it means. That is what it means to you. You will pay more to wait longer for worse care. That is what is at stake.

We all need to make our voices heard loud and clear: no to Democrats' one-size-fits-all healthcare scheme, yes to real reforms that improve healthcare and bring down the costs for all Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

#### ENERGY INNOVATION

Mr. CORNYN. Mr. President, it seems a bit surreal but necessary, nonetheless, to come here to the Senate floor to talk about the perils of socialism and its sudden resurgence within the Democratic Party.

We have seen our Democratic friends push for policies like Medicare for All, which would completely wreck the system that provides healthcare for our seniors and force all Americans onto the same plan, regardless of the fact that they never paid anything into it, like our seniors have, and regardless of the fact that they may indeed like their private health insurance that they get from their employers.

Do you remember when the Obama administration promised in 2013, "If you like your plan, you can keep it"? Well, I don't really think they meant it, but that is at least what they said. Democrats have gotten so much more radical today that their motto should be, "If you like your plan, you can't keep it under Medicare for All."

They have also promised things like free college—and, believe me, "free" is popular, especially if you don't think you are ever going to have to end up paying for it—promising anyone and everyone that they can go to college for free.

Now, there are some smart things we can do to help prepare high school students and college students to hold down their debt and to make sure that they get the sort of advice and counseling they need to make sure they are studying something that is going to be able to provide them an income with which they can repay the loans that they take out, and there is some work we need to do in that area.

Across Texas, I have had a chance recently to go to a number of middle schools and high schools, and in Texas—and I am sure we are not alone—there are many high schools where students can get dual credit, college and high school credit, and some of them graduate from high school with essentially 2 years of college behind them, and it costs them nothing. It is free. I guess that is free. Actually, it is not free, either, but they don't have to pay anything more for it, and their parents don't have to pay anything more for their property or sales tax for it.

So that is a smarter way to approach this, rather than this radical idea that things like college can somehow be free, knowing that, actually, there will be somebody that pays for it, whether it is our children, when they grow up and they have to pay back the money that we have recklessly borrowed in our deficits and debt, or by raising taxes, and you can't raise taxes enough on the rich people in order to pay for this. So, inevitably, that burden will fall on the middle class.

To put the icing on the cake on these radical policies, you have to look at this Green New Deal proposal that the Democrats have rolled out and really call this the icing on the cake in their socialist proposals.

They want to take over the entire energy sector of the economy, and they want to regulate it, and they want to tax it in such a way as to promise somehow something that is never going to be realized.

For example, they say they want to achieve net zero emissions in 10 years. Well, Texas, Oklahoma, and other States generate a lot of electricity from renewable sources, particularly wind-generated energy, but there is no way in the world you are going to be able to eliminate things like natural gas and other sources of energy because the wind doesn't always blow and the Sun doesn't always shine. So you are going to need something to provide the baseload when the wind is not blowing and the Sun is not shining. This pie-in-the-sky idea of net zero emissions in 10 years by going entirely to renewables is simply fantasy.

They also want to overhaul our transportation system. They want to rebuild and retrofit every single building in the country, but they offer no real details, and, in fact, I think there is a reason for that, because they don't even talk about the details of what needs to be accomplished or the cost there would be associated with trying to accomplish it.

The only estimate I have seen is a \$93 trillion price tag, but that is an important piece of information that you would think the public would have a right to know, and that is not something the advocates of the Green New Deal have been particularly proud of.

Even if this is something a majority of Americans want, we don't currently have the technology or the resources to make it happen. Our Democratic friends know that. So they are, in essence, making a promise for something that they can't deliver because of the price and because the technology has not yet been invented.

So what was really bizarre here on the Senate floor was that when the majority leader provided our Democratic colleagues a chance to vote on this resolution on the Senate floor, not a single Democratic colleague voted for it. They voted "present."

Well, that is a new one on me. I thought when we came here to the Senate, our job was to represent our constituents and vote yes or no on legislation. To show up and vote "present" seems to me like an abdication of that responsibility, but it also is some evidence of how really cynical and insincere this proposal really is.

That is not to say that it isn't popular when you start offering free things and you start promising things that are unaffordable or unattainable.

Instead of talking about these policies that are unwanted, unachievable, and unaffordable, let's talk about some real solutions. I think that is the responsibility of people like me who say the Green New Deal will not cut it, to which people might ask: Well, what are your suggestions? And I think that is an important and fair question.

No matter what your perspective on energy issues and the environment, I think every single one of us can agree on at least one point: We need smart energy policies that will strengthen our economy without bankrupting American families.

I would just note, parenthetically, that we have actually made some pretty good progress when it comes to emissions control. Between 1970 and 2017, combined U.S. emissions of six criteria air pollutants have gone down 73 percent. During that same period of time, the American economy grew by 262 percent, the number of vehicle miles traveled grew 189 percent, and our population grew 59 percent. We were able to reduce pollutants by 73 percent at a time when the population was growing, people were driving more, and our economy was growing.

More recently, between 1990 and 2017, the United States reduced sulfur dioxide concentrations by 88 percent, lead by 80 percent, nitrogen dioxide by 50 percent, particulate matter by 40 percent, ground-level ozone by 22 percent, and carbon monoxide by 77 percent.

From 2005 to 2017, carbon dioxide emissions declined nearly 15 percent in the United States. During that same period of time—and this is a fair com-

parison—China's annual carbon dioxide emissions have increased roughly by double—twice what they were during the same time period.

So I would say that we can blame America first for all sorts of problems. I don't think that is fair, nor is it accurate, and, particularly, when you start talking about the environment and controlling ozone-depleting CO<sub>2</sub> emissions. I think there is a better way to approach it, and we need to start with the facts.

I think the facts are that we need to form partnerships to leverage the capabilities of the private sector and achieve cost-effective solutions. None of the people advocating the Green New Deal can really tell you how much you would be paying for electricity if we were able to implement the Green New Deal, how much you would have to pay for your transportation costs, or how much you would have to pay to heat or cool your house. We need policies that make sense, that are affordable and achievable, and that will actually bring down the cost of each of those items for the American people.

The solution isn't a \$100 trillion Green New Deal; it is good old-fashioned, all-American innovation. By incentivizing research into the development of new technologies, we can keep costs low for taxpayers, while securing our place as a global leader in energy innovation. One great example of the type of solution I am suggesting you could learn about by taking a trip to the NET Power plant in La Porte, TX, right outside of Houston, which I did recently. NET Power has developed a first-of-its-kind power system that generates affordable, zero-emissions electricity using their unique carbon capture technology. They have taken natural gas—one of the most prevalent and affordable energy sources that there is—and they have made it emission-free. This is a shining example of the environmentally and fiscally responsible policies we should be advocating and supporting.

Last year, renewables accounted for only 17 percent of our total energy sources. That includes hydropower, wind, solar, biomass, and various other sources. Seventeen percent. Natural gas already accounts for more than double that. So if we could take this incredibly common and affordable energy source and make it more environmentally friendly, why wouldn't we do that? Why wouldn't that be a more sensible, fiscally responsible way of addressing this?

These policies are important for conservation but also for securing our competitiveness on the world stage. If American companies don't produce these technologies first, well, you bet somebody else will.

The heavyhanded government approaches we are seeing from our Democratic colleagues are not the answer. Instead, we have to harness the power of the private sector and build partnerships to drive real solutions.

Yes, we need to invest in innovative solutions and encourage the private sector to continue prioritizing reliable, affordable, and environmentally sound energy sources.

When you implement government policies that get government out of the way and let the experts do their jobs, you can be pro-energy, pro-innovation, pro-growth, and pro-environment. I will soon be introducing some legislation that I think will help us move down that road. We know the United States leads the world in emissions reduction, and this bill will build on that success without a one-size-fits-all mandate that would bankrupt our country.

DEBBIE SMITH ACT

Mr. President, on another topic, as I highlighted earlier this week, the Senate has unanimously passed the Debbie Smith Act of 2019, which would provide critical resources for law enforcement to test rape kits, prosecute criminals, and deliver justice for victims. This was a major bipartisan achievement, and I look forward to working with our House colleagues to get this legislation to the President's desk as soon as possible.

But there is more we need to do to assist victims of violence and sexual assault. For example, today I am filing the Help End Abusive Living Situations—or HEALS—Act, which will provide domestic violence survivors with expanded access to transitional housing. This will help these victims permanently leave their abusers, rebuild their lives, and begin a long-term healing process.

Even more pressing, folks on both sides of the aisle agree that we need to reauthorize and strengthen the Violence Against Women Act, also known as VAWA. It is something I strongly support and an issue our friend and colleague Senator ERNST continues to champion here in the Senate.

Republicans and Democrats say we must do more to provide services for victims of domestic violence and sexual assault, and while we certainly had some disagreements on the way to do that, there is no question that VAWA has traditionally been a bipartisan commitment. That is why I was so shocked earlier this year when House Democrats blocked the Republican effort to reauthorize this critical law before it lapsed last February.

The current violence against women law lapsed in February because House Democrats refused to allow us to extend it. Why would they do that? If they claim to be supportive of efforts to protect women and others from violence and assault, why would they let the very law that authorizes the various programs Congress has paid for in the past—why would they let that lapse? Well, sadly, this is where politics rears its ugly head.

We were seeking a short-term reauthorization of the existing Violence Against Women Act so bipartisan negotiations could continue on a long-term update and extension of the law, but

House Democrats recklessly blocked this reauthorization of VAWA because they were seeking to add controversial provisions that should never be a part of a consensus bill—certainly not one that enjoys broad bipartisan support.

In the face of this political jockeying by House Democrats, I am proud to say that the Appropriations Committee did the right thing: It continued to fully fund all Violence Against Women Act programs through the remainder of this fiscal year. So this means that House Democrats, when they tried to kill VAWA by refusing to reauthorize it, actually failed to accomplish their goal if their goal was to deny women and other victims of violence the critical funding needed for these programs.

Despite the efforts they undertook to let VAWA expire, critical domestic violence and sexual assault prevention programs will continue to receive full Federal funding until we can reach a bipartisan consensus agreement and update the law. So good for the Appropriations Committee for making that happen, but my point is that VAWA should never be used as a political plaything or pawn.

I am somewhat encouraged by ongoing, bipartisan negotiations here in the Senate, and I commend Senator ERNST for her commitment to this effort and look forward to supporting a long-term extension of VAWA that is done in the right way—through negotiation and agreement, not political gamesmanship. That is the wrong way to do things. We know better—if people will simply stop the political posturing and political games and do the work the American people sent us here to do.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Mr. President, I am here to discuss with my colleagues issues dealing with the work of the Senate Finance Committee and possible legislation that hopefully will come up this summer to keep healthcare costs down, particularly prescription drugs.

In the process of doing that, I want to set the record straight on an issue that affects every American who is eligible for Medicare. More specifically, I am here to talk about efforts to reduce the rising cost of prescription medicine.

Prescription drugs save lives. Millions of Americans like myself wake up every morning and take their daily medication, but there is something that has become a very tough pill to swallow for an increasing number of Americans, and that is paying for the rising cost of prescription drugs.

I applaud President Trump for turning up the volume on this issue last summer. That is when the President announced his administration's blueprint to lower drug costs for all Americans. He found out—and we all found out—that is a goal that has widespread support that includes Republicans and Democrats, as well as urban and rural Americans.

Of course, the President can only do so much—whatever law passed by Congress allows the President to do and that doesn't solve all the issues. So even though I applaud the President, that doesn't mean I exclude in any way the responsibility of Congress to take action.

There are many good ideas to build upon that share broad, bipartisan, bicameral support. There is one policy, however, that some Members are talking about that I don't agree with, and that is repealing what is the noninterference clause in Medicare Part D. I would like to explain why Congress kept the government out of the business of negotiating drug prices in the Medicare program. Some 16 years ago, when I was formerly chairman of the Finance Committee, I was a principal architect of the Medicare Part D program.

For the first time ever, Congress, in 2003, added an outpatient prescription drug benefit to the Medicare program. Maybe I ought to explain for my colleagues why it took between 1965 and 2003 to include drug benefits in the Medicare program. Remember, in 1965, prescription drugs or drugs generally didn't play a very big role in the delivery of medicine like they do today, but over time, they have become more important.

That is why great support at the grassroots, both bipartisan and bicameral, evolved into what we call the Medicare Part D program, adopted in that year, 2003. So we came to the conclusion that adding the prescription drug benefits for seniors was the right thing to do, but it needed to be done in the right way—right for seniors and right for the American taxpayers. By that, I mean allowing the forces of free enterprise and competition to drive costs down and drive value up.

For the first time ever, Medicare recipients in every State had the voluntary decision to choose a prescription drug plan that fit their pocketbooks and their healthcare needs.

The Part D program has worked. Beneficiary enrollment and satisfaction are robust. The Part D marketplace offers consumers better choice, better coverage, and better value; yet here we are again. It has been 13 years since Part D was implemented, and once again, I am hearing the same calls to put the government back into the driver's seat of making decisions on what you can take in the way of pills or what your doctor might be able to prescribe to you based upon what a formulary might be. We want the private sector to decide the formulary, not the

government. So these people happen to be the same backseat drivers who think that centralized government knows everything and knows best.

As the Senator who, once again, chairs the committee with jurisdiction over Medicare policy, I am not going to let Congress unravel what is right about Medicare Part D. Remember, I was a Republican leading the charge to add a new benefit to a government program. A lot of people think that is very uncharacteristic of a Republican, but I told you why I did that: because medicine was becoming an increasing part of the delivery of quality healthcare. So you heard me correctly, I was a Republican chairman working with my Democratic ranking member, Max Baucus, to accomplish Part D. We negotiated an agreement to add prescription drug coverage for seniors.

For me and other Republicans—namely President George W. Bush—there were a few key caveats. First, it must be voluntary. Second, beneficiaries would share the cost with the taxpayer because having skin in the game keeps check on spending and on utilization. Third, we must allow competition—not government mandates—to drive innovation, curb costs, expand coverage, and improve outcomes. It wouldn't work if the Federal Government interfered with delivery of medicine and dictate which drugs would and would not be covered. That is why we wrote a noninterference clause in the law.

My friend, Senator WYDEN, the current Democratic ranking member of the Finance Committee, voted for final passage in 2003. By the way, we are having very good bipartisan cooperation in our Finance Committee on, hopefully, legislation to be debated in our committee in June in regard to lowering drug costs.

The noninterference provision expressly prohibits Medicare from, one, negotiating drug prices; two, setting drug prices; and, three, establishing a one-size-fits-all list of covered drugs. That list is called a formulary. I remember that many of my friends on the other side of the aisle voted for this policy; yet some are now pushing for repeal of that provision.

Here is a list of Democrat leaders who supported and voted to ban Medicare from negotiating drug prices: when he was in the Senate, Senator Biden; Senator Kennedy; Senator Baucus; Senator Reid, the former majority leader; Senator SCHUMER now in the Senate; LEAHY; DURBIN; STABENOW; CANTWELL. On the other side of the Capitol, the list included Speaker PELOSI and chairman of the Ways and Means Committee, Chairman NEAL.

There is something else that I have learned in all my years talking healthcare policy with Iowans at my annual 99 county meetings where I enjoy a Q and A with whatever agenda my constituents call upon me to discuss with them.

At the end of the day, Iowans don't want the government prescribing life-

saving medications. Iowans want to make those decisions with a physician who is treating them. Last year, 43 million out of 60 million Medicare recipients were enrolled in the Medicare Part D program. That is the vast majority of Medicare beneficiaries nationwide that don't have coverage through a past employer or similar coverage from another source.

Plan sponsors design different plan choices and compete for beneficiaries based on what those plans cover and what they cost. Beneficiaries can pick from many options, with over 3,000 plans offered across 34 geographic areas. In other words, you don't have one plan dictated by the government. Most beneficiaries were covered by a prescription drug plan, and a growing number were covered by a Medicare advantage prescription drug plan.

The Part D base premium amount is low and has remained stable over many years. Looking back to our negotiations in 2003 to get this bill to the President of the United States, we wondered how high these premiums would go, and we were fearful they would just go out of the atmosphere and that they would not be stable like they have been over a long period of time. So the noninterference clause ensures that plan sponsors create plan options that respond to what the beneficiaries—not the government—says it should be.

The nonpartisan congressional scorekeeper, the Congressional Budget Office, has repeatedly stated that repealing this noninterference clause would not save money, unless there was a restricted formulary. As I stated, we wrote this bill in 2003 so the government wouldn't get between you and your doctor on what you ought to have in the way of prescription drugs. So in regard to the cost, I asked CBO to update, and they did. CBO sent me a letter stating the same thing.

Mr. President, I ask unanimous consent to have printed in the RECORD the May 10, 2019, letter from the CBO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, May 10, 2019.

KEITH HALL, Ph.D.,  
Director, Congressional Budget Office,  
U.S. Congress, Washington, DC.

DEAR DR. HALL: As an author of the Medicare Part D program enacted in the Medicare Modernization Act of 2003, I support the statutory provision that prohibits the Secretary of the Department of Health and Human Services (HHS) from interfering with negotiations between drug manufacturers, pharmacies, and plan sponsors. The Part D program structure that uses private entities to negotiate and compete to enroll beneficiaries has worked. Program spending has been lower than estimated at the time the program was enacted. Beneficiary enrollment has been robust, and enrollee premiums have remained low and stable. Enrollees are largely satisfied with their plan. The statutory "non-interference" clause is a key reason for the program's success.

While the Part D program has provided beneficiaries with a crucial lifeline through access to prescription medications, improvements are needed to lower high out-of-pocket costs and to realize better value for the taxpayer-supported Medicare program. Some have suggested that allowing the Secretary to negotiate for the price of drugs will achieve those aims. I believe that talk of eliminating the non-interference clause is misguided and counterproductive. I ask that you answer the questions below as to inform the policy debate on this matter.

If the Secretary was given authority to negotiate by Congress and used that authority, would it be possible to obtain savings in Medicare?

Could negotiating by the Secretary over drug prices obtain savings for the Medicare program if those negotiations were limited to selective instances?

Thank you for your attention to the Part D program that has benefited millions of Medicare beneficiaries. Please contact my staff if you have questions.

Sincerely,

CHARLES E. GRASSLEY,  
Chairman.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, May 17, 2019.

Re: Negotiation Over Drug Prices in Medicare.

Hon. CHUCK GRASSLEY,  
Chairman, Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: You asked for updated answers to two questions that CBO addressed in a letter to Senator Wyden in 2007. Those questions relate to the Medicare Part D prescription drug benefit and options for allowing the Secretary of Health and Human Services to negotiate over the prices paid for drugs under that benefit. Under current law, the Secretary is prohibited both from interfering in the negotiations between drug manufacturers and the prescription drug plans (PDPs) that deliver the Medicare benefit and from requiring a particular formulary or instituting a price structure for the reimbursement of covered drugs.

The questions and the key conclusions from CBO's response in 2007 are below. CBO continues to stand by those conclusions.

If the Secretary was given authority to negotiate by Congress and used that authority, would it be possible to obtain savings in Medicare?

The key factor in determining whether negotiations would lead to price reductions is the leverage that the Secretary would have to secure larger price concessions from drug manufacturers than competing PDPs currently obtain. Negotiation is likely to be effective only if it is accompanied by some source of pressure on drug manufacturers to secure price concessions. For example, authority to establish a formulary could be a source of pressure. In the absence of such pressure, the Secretary's ability to issue credible threats or take other actions in an effort to obtain significant discounts would be limited. Thus, CBO concluded that providing broad negotiating authority by itself would likely have a negligible effect on federal spending.

Could negotiating by the Secretary over drug prices obtain savings for the Medicare program if those negotiations were limited to selective instances?

The authority to engage in negotiations limited to a few selected drugs or types of drugs under exceptional circumstances could potentially generate cost savings. For example, negotiations could be focused on drugs with no close substitutes or those with relatively high prices under Medicare that are needed to address a public health emergency.

In such cases, CBO expects that the effect of the Secretary's actions—if he or she took advantage of the new authority—would primarily reflect the use of the “bully pulpit” to pressure drug manufacturers into reducing prices. Thus, CBO concluded that the overall impact on federal spending from negotiations targeted at selected drugs would be modest. Beyond that general conclusion, the precise effect of any specific proposal would depend importantly on its details.

If you would like further information on this subject, we would be happy to provide it. The CBO staff contact is Tom Bradley.

Sincerely,

KEITH HALL,  
*Director.*

Mr. GRASSLEY. Mr. President, repealing the noninterference clause means a restricted formulary, which places limits on the drugs that are available to seniors, maybe excluding some drugs that your doctor wants to prescribe for you. I don't believe that Medicare beneficiaries want the government interfering in that process.

Then, as policymakers, we must keep in mind that we are making decisions that affect healthcare choices for the people whom we are elected to represent.

Let's all remember to first do no harm. Repealing the noninterference clause may sound good, but not even a spoonful of sugar will help that bad dose of policy medicine go down.

I come to the floor today to hope that I can put this issue to rest and, as we try to work in a bicameral and bipartisan way to reduce drug costs, that we don't get held up by people who want to do something different by having the government more involved, when it isn't going to save any money and will restrict formularies. It will get the government between you and your doctor.

In other words, I am trying to save Part D. It has been a great success. It is accepted by the people. Let's keep drug costs down without having this issue interfere with our process.

We need to preserve the foundation of private enterprise on which Part D is based—in other words, the marketplace working. We need to get to the real work of reducing prescription drug costs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROMNEY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOODING IN OKLAHOMA

Mr. LANKFORD. Mr. President, just to give the Senate body a quick update of what is happening in my State right now, we have had some pretty dramatic flooding and over 15 tornadoes in the last 48 hours across the State. Thankfully, most of those tornadoes hit in open areas. They did not hit structures. There have been some

structures that have been damaged, but the flooding has been far worse than the tornadoes and the high winds.

Just 2 nights ago, in one of our counties, Osage County, we had severe flash flooding, where from 10 p.m. to 2:30 in the morning, over 100 different homes had to be evacuated in the middle of the night. Many of those folks had law enforcement, firefighters, and first responders arriving at their home with a boat or with a truck to get them out, literally, in their pajamas so they could escape. Many of those homes have 4 to 6 feet of water in them now.

It has been intense for those folks who are in the area. In fact, it is interesting. The director of emergency management for that area spent the entire night saving homes and helping people get out. When dawn broke and they knew they had gotten everyone out, he headed back to his own house only to find out he could no longer get to his home anymore because of the floodwaters.

We have had folks all over the State, whether that be in Perry, where we had two homes that were destroyed in a tornado that night that, thankfully, did not hit the center of town. We had other spots, like around Eufaula, where we had some serious flooding; Stillwater, where there has been flooding. In Dale we had a very dangerous overnight tornado that came in, literally, while everyone was sleeping. There are pockets of folks who are there who have been affected by this, literally, all over the State.

For the department of transportation folks, for the folks in our police and fire departments, for the emergency management individuals—both for the State and the counties—for mayors and city managers, for hospitals, for county workers, for city staff, for the Corps of Engineers, and, quite frankly, for just neighbors down the street, it has been a long week. There have been a lot of folks serving each other to take care of those needs, and there will be for a while.

I thought this body would need a quick update because sometimes people feel a long way from the center of the country when you are in Washington, DC, but we need to understand what is happening in the center of the country right now—literally, the center of America. It is affecting all Americans.

#### TULSA RACE RIOT ANNIVERSARY

Mr. President, I did want to tell a story, though. It is a little bit of a different story. It is about 9,000 people in Tulsa who were suddenly left homeless. It wasn't this week, and it wasn't a natural disaster. It was actually on June 1, 1921, when the worst race riot/massacre happened in American history. That story is still one that this body needs to remember.

I brought this up a few years ago, and I thought it may be time to bring it up again. The reason is that we are quickly approaching the 100-year anniversary of a whole series of riots that happened around America in the summer of 1919.

As the soldiers were coming back home from World War I, many of whom were African-American soldiers who had served with great dignity and honor there, they returned back home with skills that they had picked up overseas and with a tenacious patriotism and work ethic. They returned back to America to go back to work, but they were greeted by a lot of White business owners and a lot of White workers in the country who said: You may have served overseas and fought the war, but you are not welcome to work here. And White neighbors started setting homes and cities on fire.

There were riots. There were protests. There was a national pushback that happened in the summer of 1919. Chicago and Washington, DC, were some of the worst. Oklahoma really survived it well.

Interestingly enough, in Oklahoma, we have 30 towns that were considered Black towns, scattered all across the State. The first folks who actually came to Oklahoma who were African American actually came with the five Tribes when they were relocated. They were brought by the five Tribes who had held them as slaves. When they moved from the southeastern part of the country, and they moved to Eastern Oklahoma and were relocated there in that tragic walk, they brought their slaves with them.

In the land rush after 1889 and then years later as we became a State, land started opening up and individuals and families who were African Americans moved from all over the country coming for new hope and opportunity. There were 30 different towns that sprung up all over Oklahoma that were predominantly African-American towns. One of those was Greenwood.

At that time, it was affectionately known as “Black Wall Street.” It was one of the most prosperous African-American communities in the entire country. It was right on the north end of Tulsa.

Although, when they left from Greenwood and came into Tulsa to work, to shop, or whatever it may be, they were limited. In Greenwood, there were shops, stores, movie theaters, lawyers, doctors, and all kinds of activities. Everything was there. But if they walked a few blocks from Greenwood into Tulsa, they found themselves not being welcomed.

In fact, in downtown Tulsa, there was only one place where a Black man could actually go to the bathroom—one. It was in that building that a gentleman named Dick Rowland took the elevator up to go to the bathroom. On the elevator, there was a White girl there named Sarah Page.

We have no idea what happened in that elevator, but when the elevator door opened, she screamed, and a crowd quickly grabbed Dick Rowland and pulled him off, accusing him of all kinds of things, and hauled him off to jail in downtown Tulsa, where, within a few hours, a lynch mob gathered around that jail.



To their credit, law enforcement in Tulsa went out to the streets and said: You all go home. But they did not. The mob stayed there.

Soldiers who had served faithfully in World War I, who were African Americans, who lived in Greenwood, picked up their rifles and gathered together to go in and support law enforcement who was at the jail in downtown Tulsa to protect Dick Rowland.

As they marched down to go help, the law enforcement there apparently said: You all leave as well. We have got this handled.

But as they left, there was a scuffle in the street, and a shot was fired. We have no idea how it happened or which happened first. The news never reported that. But we know that those groups of African-American men left and ran back to Greenwood, and the mob followed them. They marched their way to Greenwood, and they burned it down, destroying Greenwood and wiping out that city.

That night, all night long—May 31 into June 1—America experienced one of its darkest moments. There were 1,200 homes destroyed that night in Greenwood. There were 9,000 people who were left homeless. There were 6,000 African Americans who were rounded up by the police in Tulsa and jailed “for their protection.” They were the ones who were held, not the rioters who actually caused the massacre.

The numbers are all over the place of how many people actually died that night. There are numbers as small as 35 and as large as 300. We will never know. But let’s just say there were many—very likely, hundreds of people—who died that night. One-third of the people were gone, and we have no idea what direction they went. One-third of the people packed up and moved and left, and one-third of the folks stayed. But interestingly enough, that Sunday, after the fire, after the riots, after the destruction and after Greenwood was left leveled, folks from Greenwood gathered that Sunday for worship.

Dr. Olivia Hooker passed away just this last November. She was one of the last survivors of the Tulsa Race Massacre. In an interview shortly before she passed away, she told the story of hearing the men with axes destroy her sister’s piano during the riot. With her three siblings, she hid under a table as her home was literally destroyed around her.

You would think that devastation would be the end of her story. It was not. In World War II, she became the first African American to join the Coast Guard. She earned degrees from two universities and ended up being a professor at Fordham University. That is tenacious resilience.

She reminds me of my modern-day friend Donna Jackson. In 2013, Donna Jackson determined that North Tulsa in Greenwood was known for its entrepreneurship. That is why it got the name “Black Wall Street.” In 2013, she

determined that she was going to challenge 100 new businesses to start in Greenwood, to bring life back to that area again with business and entrepreneurship. For its 100th anniversary, there would be 100 new businesses.

Donna lives and breathes Greenwood. She was born in Morton Memorial. She goes to church in North Tulsa, she works in North Tulsa, and she believes in North Tulsa’s future, as do I. She is going to make her goal of 100 new businesses there. She is doing the work to help introduce people to North Tulsa and to be engaged. There are companies that are from outside the area that are coming in, such as the new QT that just opened there. There are lots of individual businesses that continue to start and thrive again in North Tulsa.

North Tulsa is a place where we should practice basic reconciliation, where America should stop and look again and say “What can be done, and what have we done?” and fix it.

Josh Jacobs was born in North Tulsa in 1998 and graduated from high school in North Tulsa. He ended up making a very bad decision. He left North Tulsa to go play football for the University of Alabama—clearly a terrible decision. Josh ended up being drafted 24th overall by the Oakland Raiders last year. He is a tremendous, shining example of somebody who grew up in North Tulsa and is representing us well.

His dad made an interesting statement. He said that as Josh was growing up, he was a great athlete. He could have traveled anywhere in the area to play football in high school. He chose to stay there on the north side. He said: “This is the north side. Why not build up our side of town? Why take off and leave?”

You would be pleased to know that Josh has on his own Twitter account “2 Peter 3:9.” That is what is pinned at the top.

The Lord is not slow in doing what he promised, the way some people understand slowness. But God is being patient with you. He does not want anyone to be lost, but he wants all people to change their hearts and their lives.

That is a pretty good message, Josh.

I believe we are still a nation of reconciliation. The first step in reconciliation is not forgetting who we were and who we have been as a nation and to make sure we take the steps necessary to resolve broken relationships.

There is not a law we can pass in this body that will solve the race issue. There are ways we can protect and make sure every person has every opportunity, whether it be in housing, employment, or whatever it may be. Race is not a political issue; race is a heart issue. The primary issue with race begins in your own heart and in your own family.

Several years ago, I started asking a very simple question of folks in Oklahoma. I asked that same question of people here. “Has your family ever invited a family of another race to your

home for dinner?” Interestingly enough, the response I get back from most people when I ask that is, they will smile at me and say “I have friends of another race,” to which I will smile at them and say “That is not what I asked. I asked, has your family ever invited a family of another race to your home for dinner?”

Being able to have real dialogue so that your kids can sit with kids of another race and can watch you interact as a parent with people from another race and see that it is normal conversation—our kids believe only what they see, and if they never see someone from another race in our home, they just assume we don’t have friends of another race.

I like to say we will never get all the issues about race on the table until we get our feet under the same table and start talking this out as friends. Reconciliation is not something we can legislate; reconciliation is something we do, it is who we are, and it comes about by action.

Next week, folks will gather in Tulsa, OK, again to recognize that 98 years ago, the city was on fire, and most of the White community looked away while Greenwood burned to the ground. Two years from now, the entire country will probably pause for 24 hours and will look at Tulsa and will ask a simple question: What has changed in 100 years? It is a fair question. I think Tulsa will stand up and say: We will not just show you the structures that it changed, but we will show you the hearts that it changed.

Tulsa is a very different community now. We still have a ways to go, as does the rest of the State, but we are making tremendous progress. While much of the world ignores race and chooses never to deal with race, we as Americans embrace each other and say: What do we have to do to restore what is broken and to make sure we see each other as friends and neighbors again? We are doing it differently, and that is a great benefit to us.

Mount Zion Baptist Church was founded in 1909 by Rev. Sandy Lyons. It was originally just a one-room schoolhouse. In 1916, the church began a \$92,000 endeavor, which I can assure you was a lot of money in 1916. They took out a \$50,000 loan to build a new church. Construction was completed in early 1921. On April 4, 1921, they held their first service, and on June 1 of that same year, a riot burned it to the ground. Worse yet, the White insurance company refused to pay their insurance, saying it was their fault that the riot happened.

That congregation could have been bitter; instead, they stayed put, and they rebuilt that church. They first paid off the mortgage for what had been burned to the ground, and then they rebuilt the church in that same location.

Vernon AME Church still stands in the same spot. The only thing left of that building was the basement, but

they rebuilt, by 1928, right on that same spot.

Dr. Turner there is a friend and is a pastor there. He made this statement:

I'm humbled every day to walk through a place that has seen so much terror but has also been a vessel of hope for so many people. After the massacre, people who lost their homes and their belongings still went to church on Sunday morning.

Believing in a God of reconciliation, whom I still believe in today, let's continue to get better, but let's not forget where we came from so it never ever happens again.

As we think about the summer of 1919, when the Nation was on fire from so many riots around the country, let's continue to finish what has begun in our hearts until that is complete.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### ABORTION

Mr. CARDIN. Mr. President, I rise to express my deep concern over the constant attacks on women's health we are seeing all across America. From this administration's policies, to Donald Trump's judicial nominees, to Governors and legislators in States like Alabama, Georgia, and Missouri under Republican leadership—they are denying women their constitutional right to make their own personal and healthcare decisions.

Women and their healthcare should not be under constant threat. We as a nation have made great efforts to promote equal rights for women and men. In this Congress, we will celebrate the 100th anniversary of women's suffrage. It took a long time for women to get the right to vote, and we continue to make progress on equality. Yet, in the 21st century, the Trump administration continues to push and adopt policies that are setting this country and women in a wrong direction.

The Supreme Court made it clear in *Griswold v. Connecticut* and *Roe v. Wade* that there is a constitutional right to privacy that includes making healthcare decisions such as the use of contraception and the right to access abortion.

Through advancements in women's health and access to contraception and education, the number of unintended pregnancies has significantly been reduced, with a corresponding reduction in abortion. Yet we see Republican leaders trying to reverse the advancements our Nation has made in women's health, access to contraception, and education.

For nearly 50 years, the Supreme Court has upheld the legal precedent of *Roe v. Wade*, including its affirmation in *Planned Parenthood v. Casey* in 1992. In that case, the Supreme Court held that "our law affords constitutional protection to personal decisions relating to marriage . . . contraception, family relationships, child rearing, and education. . . . These matters, involving the most intimate and personal choices a person may make in a life-

time, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment."

The Court prohibited States from passing statutes that placed undue burdens on a woman's right to make her own healthcare decisions. Yet Republican leaders continue to introduce and pass laws that interfere with a woman's autonomy over her health and well-being.

Last week, for instance, the Republican Governor of Alabama signed a bill into law banning almost all abortions in that State, with no exceptions for the cases of rape or incest. The law not only prosecutes women, but it also includes unprecedented criminal penalties against doctors, threatening them with life in prison for treating women. The Alabama law exposes doctors to felony charges punishable by up to 99 years in prison for providing or attempting to provide an abortion, making this the most extreme ban of its kind to pass in nearly 30 years.

Since the beginning of 2019, bills attempting to restrict abortion have been filed in 45 States, including Alabama, Missouri, and Georgia.

Earlier this year, Georgia's Republican Governor signed a 6-week ban into law that would make it illegal for women to terminate a pregnancy and a doctor to perform the termination after a fetal heartbeat is detected. I must tell you, many women don't even realize they are pregnant at 6 weeks.

The Alabama and Georgia bills impose burdensome and medically unnecessary limitations on women and their doctors, particularly those in low-income, medically underserved areas. The bills harm women who are victims of sexual assault and minors who are victims of incest. These provisions appear to be designed to perpetrate a culture of not believing women and trying to discredit the victims of assault.

It is hard to understand how many Republicans are talking about getting Big Government out of people's lives but not when it comes to one of the hardest and most intimate decisions a woman can make—a decision that she wishes to make between herself and her doctor. In those circumstances, these same colleagues believe that Big Government, and not the woman herself, knows better. They believe that government, and not the woman, should dictate whether she can or cannot have control of her own body. They believe that government should have the power to force a woman to forgo a medically necessary procedure. They believe that women should be stripped of that power and stripped of the choice to decide what is best for herself. Many believe that even in cases of incest and rape, where the woman is a victim of a crime, that the woman should be compelled to bear the child against her will and bring the pregnancy to term. Talk about being intrusive.

Basically, the rights of women are being trampled to death. I thought we

had gotten beyond that, and now we see that we are moving in the wrong direction.

Empowering women is one of the most important things we can do for the future of our country. Core to women's constitutional liberties is autonomy over their own health and well-being. If we truly want to support women, we need to safeguard and improve, not limit, access to comprehensive healthcare.

I hope we can all agree that on this 100th anniversary of women's suffrage, we should be looking at ways to remove discrimination based upon sex and not moving in the wrong direction by taking away from women their right to make their own healthcare decisions.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE LEGISLATIVE AGENDA

Mr. VAN HOLLEN. Mr. President, we are now 5 months into the new 116th Congress. During that 5-month period, the new Democratic majority in the House of Representatives has passed a series of bills on issues important to the overwhelming majority of the American public. They include legislation to reduce the death toll from gun violence by requiring universal criminal background checks and legislation to end the millions and millions of dollars of secret money flowing into elections and polluting our politics. The House legislation includes a bill to ensure that women receive equal pay for equal work, and the House has also passed legislation to strengthen the protections under the Violence Against Women Act. Those are just some of the initiatives the House has passed in the last 5 months.

Here in the Senate, what has the Senate done on those important issues? What has the Senate done with the legislation that the House has passed and is now sitting in this body? We have done nothing—zip. We haven't taken up any of those bills. In fact, the Senate Republican leader has refused to allow this body to consider those important measures.

What are we doing instead? Instead, the Senate is consuming all of its time not on the matters most important to the public but on debating and confirming judicial and executive branch nominees. Here is the thing: If you look at these judicial nominees—let's just take the ones we are looking at this week—you will find a very dangerous pattern.

This week, in looking at the five nominees, the pattern is selecting judges who will strip away women's reproductive choices and who will strip



away and potentially eliminate the rights under *Roe v. Wade*. That is the clear pattern.

If you look at the records of these nominees, they indicate hostility toward a woman's right to choose and hostility to *Roe v. Wade*. Take, for example, Stephen Clark. He is the nominee for the Eastern District of Missouri. He drew the outrageous comparison between Dred Scott and *Roe v. Wade*, including *Roe* as bad law. He also opposed provisions in the Affordable Care Act that would expand access to contraception to help people avoid unintended pregnancies.

Then there is the nomination of Kenneth Bell to be a judge in the Western District of North Carolina. He has argued that abortion rights, the pro-choice position, is "indefensible" and went on to say that "there is no middle ground" on this issue. In other words, he is another judge who would deny women the right of reproductive choice, and the list goes on if you look at the list of judges who are before the Senate this week.

This would be alarming at any point in time, but the timing of these nominations is no coincidence. Just in the last couple of months, we have seen States around the country passing laws to take away a woman's right to choose.

Let's take a look at Alabama. In the case of Alabama, they passed a law that denies a woman's right to choose to have an abortion even in the case of rape or incest. Under the Alabama law, doctors who perform abortions could be locked up in prison for up to 99 years—a prison term longer than that of a rapist.

We also have Candidate Trump arguing that not only should doctors be punished but women who exercise their rights to reproductive choice should be punished too.

Meanwhile, in addition to Alabama, five other States have passed laws that would outlaw abortion at a very early stage—in fact, at a stage of pregnancy when many women do not realize they are yet pregnant, especially if the pregnancy is unplanned and unexpected.

I think people recognize how outrageous it is to see State legislators and other elected officials who normally take the position that the government has no place in regulating or being involved in any aspect of our lives, who then take the position that they want the government right between a woman and her most sensitive decisions with respect to reproductive choice.

We have legislators who say they don't want the government protecting people from air pollution. They don't want to pass any regulations to protect people from air pollution or water pollution. We have some legislators who say they don't want any legislation to protect consumers from predatory lending or other scams in the economy. They don't think the government has a role there, but, by God, when it comes

to interfering with a woman's right to choose, they want the government smack in the middle of that decision. That is what Alabama has done. That is what the other five States have done.

Now we have judicial nominees coming before the Senate who are going to sign off potentially on those State laws.

It gets even more alarming because we also see a pattern from the judicial decisions that have been made and from the records of a lot of the nominees who are before us now of judges or people being appointed, who not only want to strip away a woman's right to reproductive choice but who actually want to go after programs that help provide family planning, programs that help prevent unwanted and unplanned pregnancies. So, on the one hand, States are passing these laws restricting a woman's right to choose, but at the same time they are saying that they want to get rid of or severely limit programs that prevent unintended pregnancies.

Looking at the figures from the Centers for Disease Control and Prevention—and they keep statistics on all sorts of health indicators—you will find that from 2006 to the year 2015, there was a 24-percent drop in the number of abortions in the United States. There was a 24-percent drop in the years between 2006 and 2015. Researchers who have looked into this have determined that the biggest driver behind this decline in abortion has been increased access to contraception and family planning. Yet the Trump administration is going after and targeting for elimination the very programs that help reduce unintended pregnancy and, therefore, also help reduce abortions. So this administration is trying to take a hatchet to title X. They want to essentially take Planned Parenthood out of the equation, even though Planned Parenthood provides family planning services to 4 in 10 women.

As we all know, Planned Parenthood is barred by law from spending any Federal dollars on abortion. They spend most of their time counseling their patients on family planning and helping people make decisions about contraception to avoid unplanned pregnancies.

This administration tried to target the Teen Pregnancy Prevention Program. I know that because it went after a program in Baltimore City that has been very successful in reducing teenage pregnancy.

In fact, if you look at Baltimore from a period during the year of 2000 to 2016, we saw a 61-percent decline in teen pregnancy. That was as a result of a number of programs, easier access to contraception, the Teen Pregnancy Prevention Program that was targeted for elimination by the Trump administration, and, after the Affordable Care Act went into effect, the ability to access contraception as a result of the Affordable Care Act.

All of these measures to help prevent unplanned pregnancies have also helped to significantly reduce the number of abortions. Yet we have an administration that wants to go after those family planning programs, and we have a number of judges who would side with the administration. I will mention a couple of important family planning programs.

One is title X. This administration wanted to severely undermine title X. It has not been successful. Why not? Because it was taken to court. So far, the courts have stayed the administration's decision.

Let's look at the Teen Pregnancy Prevention Program, which I mentioned, that is so important in Baltimore. The administration wanted to eliminate it, and so we had to go to court. The judge said that it was an illegal action—an unauthorized action—by the Trump administration.

Let's look at the contraception provisions—the provisions on access to contraception—in the Affordable Care Act. This administration wants to wipe them out. The only reason they are still there is due to the courts. The courts have been very important not only in protecting a woman's right to choose but in protecting these important family planning programs that have prevented unintended pregnancies and, therefore, have also reduced the number of abortions.

Now we have a whole bunch of judges who are coming before the Senate who would rule differently in all of these cases. That is why I believe the American people need to really be alarmed about what is happening here. We are not acting on important measures that are coming out of the House that I mentioned earlier. What we are doing is spending the full time passing through judges—in a factory-like procedure here—who will undermine a woman's right to choose and go after important family planning programs. We have a lot to think about, and I hope all of our colleagues will recognize what is happening here.

I will go back to where I started.

Instead of churning out judges who are going to strip away the rights of women—and other nominees who side with big corporations against consumers—let's take up the legislation that is in front of us right now that has come over from the House.

We have before us H.R. 8. It is the Bipartisan Background Checks legislation. It was bipartisan because it came out of the House on a bipartisan vote.

It was bipartisan because, if you ask the public, 85 percent of the public is in favor of the simple idea that we should have criminal background checks and that the people who have committed crimes shouldn't be able to go to gun shows and purchase guns. If you have a record of posing a danger to the community, my goodness, why would we want to put a gun in your hand and endanger the community?

It is a pretty straightforward piece of legislation, and it has been in this Senate for 83 days now. For 83 days, it has been sitting right here in the Senate, but the Republican leader will not let us take it up to debate it or to vote on it.

I mentioned another bill that came over from the House that would get rid of secret money in politics. What do I mean by that?

After the Supreme Court decision in *Citizens United*, we had two things happen. One was that just a flood of corporate money flew into elections because, before that decision, corporations could not spend money directly to try to elect public officials. The Congress had previously passed a law to prevent that, and previous Supreme Courts had upheld that ban on corporate spending to try to elect public officials. In *Citizens United*, they decided, well, corporations are people, too, for the purpose of spending money in elections. So they got rid of that law.

If you read that opinion, even those who voted to overturn those laws said that what is going to protect the system will be the public's knowing who will be spending all of that money. They said: All right, we are going to let corporations spend all of that money. We are going to let 501(c)(4)s spend all of that money. Do you know what? The public will know, and that will serve as a check on the system. That will provide transparency, and the transparency will provide accountability.

Guess what. It didn't happen. In fact, the Senate's Republican leader has been one of the arch opponents of any kind of transparency and disclosure. I have had a long-running back-and-forth with him on this issue because, even if you look at the proponents of the terrible *Citizens United* decision, as I said, those Justices said: Well, transparency will take care of it. The reality is that people spend millions and millions of dollars in secret money in elections.

Let me just tell people that it may be secret to the public, but it is not a big secret to the candidates who are running. It is not a big secret to them who is spending millions of dollars to try to get them elected or to defeat them. That is a farce. Years ago, when I was in the House, I authored something called the DISCLOSE Act. It passed the House. It died here by one vote. We got 59 votes on an almost identical bill. It didn't get 60. So we still have secret money in politics today.

My view is that voters have a right to know who is spending millions of dollars to try to influence their decisions, and that is a big part of the bill that came over from the House 74 days ago. It is called the For the People Act. It has a lot of other important provisions in it to protect our elections and important provisions to make sure that we uphold the right to vote.

Among the important provisions is the DISCLOSE Act—to get rid of secret

money in politics. That is sitting over here and has been for 74 days.

What else has the House sent over? It sent over the Equal Pay Act, which has a pretty straightforward idea, and I think most Americans agree with it. In fact, public surveys show that people agree that if you put in an equal day's work—if you put in the sweat equity, if you do the job—and if a woman does the job just like the man does the job, by God, obviously, she should get paid the same amount. It is a pretty simple concept. That came over from the House. In fact, it came over from the House just 55 days ago. For 55 days, it has been sitting here.

Another bill that has come over from the House also relates to making sure that we address issues that are important to all of us, but it has specifically dealt with the Violence Against Women Act. What we say within the Violence Against Women Act, in the House bill, is that if you have someone who is abusing you in a relationship—it doesn't have to be your spouse; it could be someone else who is abusing you in a relationship—they shouldn't be able to go out and buy a gun. What we have seen from the sad statistics is that those kinds of situations often escalate into somebody's getting killed when someone is in a relationship in which one of the people in that relationship is abusing the other.

Just as we prevent the sale of guns to spouses who have records of domestic violence and domestic abuse, we should extend that prohibition on running out and getting guns to other abusive relationships. That was the reauthorization of the Violence Against Women Act, and it passed out of the House 47 days ago. So, 47 days ago, the House passed the reauthorization of the Violence Against Women Act.

It passed the Paycheck Fairness Act—equal pay for equal work—55 days ago.

It passed the For the People Act 74 days ago, which includes the provision to get rid of secret money in politics.

It also passed the Bipartisan Background Checks Act—to reduce the death toll from gun violence in our country—83 days ago.

All of those bills are sitting right here in the Senate. We could be debating them today if the Republican leader would allow them to come up. Instead of taking up that important work, we are here, acting like those in a factory who churn out more judges who have records of stripping women of their right to reproductive choice. It is a very, very dark time in the Senate, and I hope that we will get about the business of the American people and stop stripping women of their constitutional rights.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Missouri.

NOMINATION OF STEPHEN R. CLARK

Mr. BLUNT. Mr. President, I think, by any standard, it is a stretch to suggest that we are churning out judges.

We are doing our constitutional job of confirming judges that the President is constitutionally required to nominate. We are going to vote on a Missouri judge today, Judge Stephen Clark, to be a judge on the U.S. District Court for the Eastern District of Missouri.

In the process of churning out judges, Judge Clark—or soon-to-be Judge Clark, I hope—was told by the White House in July of 2017 that he was going to be its nominee for this place on the court. If it were July of 2017 and it is now May of 2019, the churning is, obviously, not going very well. In fact, to get people to even serve in these jobs is going to get increasingly difficult.

In the case of Steve Clark and his family, he had a pretty unique practice that was focused on him and a couple of associates. I am not even sure of the kind of law they practiced, but I am sure it was not the kind of law that was referred to a minute ago. His wife was the assistant in the office, and I think they had an associate or two.

Yet, if all of your clients have been told for 20 months or so that you are going to be a district judge, the first question they ask is, Can you handle this case?

The answer you give is, Well, I don't know, but probably not. Eventually, Congress will get to this, and, eventually, I will be confirmed.

From the time of July 2017 to November 2018, there was nobody coming in the door anymore, and the law practice closed, as it should. It was not forced to close. Clearly, the best thing to do was to go ahead and admit that the supporting effort of that practice had gone away but that the overhead was still there. Since November, Stephen Clark has been waiting for this day to happen. This is not churning out judges, and I may get back to this topic in just a minute.

Certainly, for nominees like him who are willing to have their names submitted—who are willing to say yes when asked if they would be willing to be nominees—we have to do a better job, not the job of suggesting that somehow this happens easily to people who aren't qualified.

Steve Clark has been a respected, practicing attorney in the Eastern District of Missouri for 28 years. He knows the law; he knows the community. The American Bar Association rated him “well qualified” to hold this job.

He has been approved by the Senate Judiciary Committee twice now, once in 2016—see if I have that right; there is so much history here, it is hard to even know what the book would look like—and once before the 2018 election. Then all of these nominees had to be sent back to the White House, so after the 2018 election, after the Congress started work again in January of 2019, his name had to be resubmitted. The committee had to vote on him again. They had to look once again to see that he was “well qualified” to hold this job. They had to once again verify that he had 28 years in private practice.

We even had a past president of the Missouri Bar Association, who is a Democrat, say: "Steve Clark will make an excellent addition to the federal court bench."

The very idea that we characterize judges we are putting on the courts as enemies of any group of people is pretty offensive when you think about it. The law of the land is the law of the land. Judges are bound by precedent. Certainly, lawyers are bound by precedent. There is nothing to suggest anything other than the "well qualified" status of the bar association.

We need to fill this vacancy. We even have a temporary judgeship in the Eastern District. The workload is so great that the temporary judgeship should become permanent, but that is not the judgeship we are talking about here.

We are talking about somebody who is ready for this job, willing to give up his law practice with what should have been an absolute certainty he would be confirmed, but no absolute certainty he would be confirmed. I certainly wish the process hadn't taken so long, but I am glad we were able to adjust the rules of the Senate last month to start getting more people through that process. Without that, people in this case in my State—the people in the Eastern District of Missouri—would have to wait even longer. We may have never gotten this judgeship filled if we hadn't changed the rules.

Unfortunately, there are still a whole lot of people waiting to be confirmed to important jobs in the government. There is still too much obstruction for no real reason.

In fact, in past Congresses, judgeships like this would have been filled by unanimous consent. We would have filled five or six a day if we had vacancies of well-qualified candidates at the end of the day with no debate, but our friends on the other side have decided: No, we are going to take the maximum amount of debatable time available for, say, a Supreme Court Justice or the Attorney General of the United States, and we are going to apply that to every job—district judges, the assistant secretary of whatever, who is the lowest person appointed in whatever Cabinet office there is. We are going to apply the 30 hours to them. Of course, what you did to do that is use up all of this time because nothing else can happen on the floor during that 30 hours.

Was debate happening on the floor during that 30 hours? Of course not. The average debate time used during that 30 hours was 24 minutes. So for the other 29 hours and 36 minutes, nothing happened that related to that judgeship.

This morning, when I was driving to the Capitol, I actually heard somebody on one of the news programs say: Now they are forcing judges to be confirmed with only 2 hours of debate instead of the 30 hours that should have been used.

That would have been a valid criticism if the 30 hours were ever used, but

when the 30 hours is only 24 minutes, it is no criticism at all. It is a ridiculous position to take. You don't have to be a genius to see that it is designed to not allow the President to have the jobs confirmed in the government that the Congress has determined that the Senate would have to confirm. There are, I think, about 970 of them. By the way, if you took 30 hours for each of the 970, I think it would have been impossible—and we were proving it was impossible—for the President to ever get a government in place.

Then the judicial vacancies that occur—this is a vacancy we are filling today that was vacant months before President Trump was elected, maybe 3 months, maybe 4 months, but we haven't had anybody in this judgeship now for well over 2 years. In fact, as I said earlier, we have had, for 22 months, somebody who was told they were going to be the nominee and to prepare to serve.

In the 3 weeks we were in session before the rule change, we were able to confirm seven nominees in 3 weeks, and that was the principal work we were doing in that 3 weeks. These nominees fill jobs that are running the government or court positions that they are appointed to serve in for a long time. We filled seven of them in 3 weeks.

In the 3 weeks after we had the rule change, we cleared 24 nominees in that period of time.

By the way, the debate spent an average of 3 minutes—of the 2 hours that were available to those 24 nominees, the average time spent debating was 3 minutes. The minority is still suggesting that we are going to use the maximum time no matter how little time is used, no matter how little time is called for, because even if it is not 30 hours—it is now 2 hours—we can force 2 hours of no legislative opportunity and no legislative planning as the Senate tries to do part of the job that only the Senate can do. The House doesn't do this; only the Senate can do this. This is a job that is done by the President, who nominates, and the Senate, which confirms.

If you can keep the Senate confirming part to a maximum use of time, if you are in the minority, you can keep the legislating opportunities to a minimum.

Now, somebody might say: Well, gee, what would they bring to the floor? There are a lot of things we would bring to the floor if we had the time to get on them and stay on them.

Of course, we would really like to bring the appropriating bills to the floor soon and do those.

We cleared 24 nominees with an average of 3 minutes of talking about each one—maybe a few minutes. I think that even includes the time just making aspersions about these nominees in general, which don't relate to anybody. That would be included in that 3 minutes as well.

We continue to have a lack of cooperation to do the job of the Senate in the way that for 200 years it was done.

I hope my friends on the other side will begin to work with us and begin to understand that everybody has caught on. The people in this building and outside this building know what has been happening for almost 2.5 years now, and more responsibility is going to have to be taken than has been taken up until now.

I will say, again—almost 2 years after Steve Clark was nominated—I believe we will finish that job today, and if we do, it will be a good day for him, a good day for his family, and a good day for people waiting to get an opportunity on the Federal court docket in the Eastern District of Missouri to have a person not decided by me to be well qualified for the job but decided by the American Bar Association and twice approved by the Judiciary Committee of the U.S. Senate. While this work has taken a long time to get done, it will be good to see it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### INFRASTRUCTURE

Mr. DURBIN. Mr. President, this morning we had a meeting in Speaker PELOSI's office of the Democratic congressional leaders. It was in preparation for a meeting with President Trump.

Three weeks ago, NANCY PELOSI and CHUCK SCHUMER, the Democratic leaders of the House and Senate, asked for a sit-down with the President in the Cabinet Room to discuss the infrastructure of the United States of America—the backbone of our economy, a part of America that, sadly, has been neglected for too many years.

President Trump promised in his campaign there would be an infrastructure program—put America to work to build the roads, the bridges, and the airports, and I might say broadband and so many other things that need to be done—so that the strength of this economy would be there to entertain new business opportunities, to attract new jobs.

We had this meeting 3 weeks ago, and it was amazing how well it went. I was sitting just a couple of seats removed from the President and heard an agreement in the room from the Democratic leaders and the President—\$2 trillion, the President said. He rejected our offer of \$1.5 trillion and said: No, make it \$2 trillion that we will spend on our infrastructure.

Everybody sat up straight in their chairs and said: Well, this President is serious.

We said: Mr. President, will it be 80 percent Federal spending and 20 percent local, the way it has always been?

Yes.

Can we include rural broadband in here so those of us who represent small towns—rural areas that don't have the benefit of broadband services—can get into the 21st century in terms of education and telemedicine and all of the things that brings?

Yes.

He signed up for all these things—\$2 trillion, 80 percent Federal—and the list was long of things that we were going to do together.

We went into detail in that meeting 3 weeks ago with the President about some of the aspects of it. For example, the President said—and I think he has been quoted before—that he does not approve of public-private partnership programs. He argues there is too much litigation. That is all right with me and for most of the people in the room. We didn't have to have that if the President didn't want to include it. So there was back and forth in this conversation.

There was one element missing, and I remember RICHARD NEAL—who is the chairman of the House Ways and Means Committee, the critically important committee, the counterpart of Senate Finance—said to the President: Now, Mr. President, we have to pay for it. Two trillion dollars—how are we going to do that?

And the President said: Wait. I am not going to say that at this meeting. I know you want me to blink first as to how we are going to pay for it. I am not going to get into that.

There had been some proposals from Democrats of tax increases for wealthy people and corporations and such, but the President said: I won't get into that today. Let's meet 3 weeks from now and talk about how we are going to do this, how we are going to pay for the \$2 trillion.

So many of us sat down, Democrats—I hope Republicans, as well—and started thinking in positive terms about what this would mean for the economy. We can create tens of thousands of good-paying jobs across the United States, rebuild our infrastructure, and be ready to compete with countries like China and others that believe they are building faster and better than we are.

The meeting was scheduled for today. We started this morning with a briefing. The Democrats sat together in Speaker PELOSI's office, about 20 of us, and went through it and talked about what our presentation would be to the President and some ideas that we had to move forward.

We accepted the President's invitation. We went to the White House, gathered in the waiting room there, and then we were invited into the Cabinet Room. We walked into the Cabinet Room, took our assigned seats, looked across the table, and there was the Secretary of the Treasury, people from the Office of Management and Budget. The President's daughter was there. There was quite a gathering of people getting ready for this high-powered meeting.

We waited, and we waited, and then the door opened, and the President walked in. Without greeting anyone or sitting down he said: We are not going to have this meeting. We are not going to have this meeting because Congress continues to investigate me. I think we have had enough investigations, and

until the investigations end, there will be no infrastructure bill.

His statement went quite a bit beyond that, but I think that was a fair summary of his conclusion. He turned around and walked out.

So the meeting that he had called, the meeting we responded to so that we could come up with an infrastructure program, ended right on the spot.

The President then went out into what is known as the Rose Garden next to the White House and held a press conference with posters and signs saying: As long as Congress is investigating me, we won't be discussing issues like infrastructure.

That is an unfortunate development—unfortunate for America, first, because this President and this Congress, regardless of party, have a responsibility to the American people to do the basics to make sure that we provide what Americans need, what cities need, what businesses need, what families need to grow the economy and create good-paying jobs.

The President walked away from that this morning. So here we are at a point in history. I am not sure which way to turn. You see, every President would like to make this claim: I am not going to do business with Congress if you investigate me. But the bottom line is, every President is investigated. Their administration is investigated. That is what we do. That is what the U.S. Congress does. That is what happens in a democracy. No President can say: I am pulling down the shades, and I am closing the doors. You can't look at me, and you can't look at what we are doing, either in activities as individuals or as agencies.

No. There is accountability in our government. This Congress, the Senate, the House—we appropriate the funds for the executive branch, and we investigate them as we appropriate the money. How are you spending the taxpayers' dollars? Are you wasting them? Is there corruption involved in it? We ask those questions not just of this President but of every President. That is the nature of democracy, of accountability, and this President can't get off the hook. He may be weary of investigations—and I can tell you that President Obama was weary of investigations, too, and President Bush before him—but that is the nature of accountability in a democracy. For this President to say: No more. It is out of bounds for us to be investigated, and I won't do anything necessary for the economy and future of this country as long as the investigation continues—that is a sad day in the history of this country. I hope cooler heads will prevail, but I am not sure they will.

We have so much we need to do. Look at this empty Chamber here. My speech in this Chamber each day is basically what you are going to hear if you are a visitor to Washington, DC. You are not going to hear a debate on legislation. Wouldn't you like for this Chamber to be filled with Republicans and Demo-

crats who are debating a bill right now on the high cost of prescription drugs? I would. And we certainly have the power and responsibility to manage that issue, but we don't do it. We have done virtually nothing in this Chamber for this entire year.

Senator MCCONNELL has one goal: fill up Federal judicial vacancies with lifetime appointees as fast and as often as possible. We have seen men and women come before us, clearly unqualified to be judges, who are being given lifetime appointments. Why? It is part of a plan—a political plan to fill the courts with judges friendly to the Republican point of view. And so we do nothing else. Nothing else.

I have been here a few years, in the Senate and the House. There is an issue called disaster aid. I have seen 100 different variations. There will be some horrendous weather event—a fire, a drought, a flood—and we have responded time and again wherever it occurred. Without concern as to whether it was a red State or a blue State, we have come together as an American family and said: We will give you a helping hand.

We have a disaster bill that has been pending here for weeks, if not months. We can't even reach an agreement on how to send disaster aid to areas that have been hit by flooding and tornados, and it is an indication of what the problem is right here. The Senate is not being the Senate. It is not legislating. And now the President announced this morning that he has gone fishing. He is not going to be around to discuss issues like the infrastructure of this country.

What can we do about it? Well, you can appeal to your Members of Congress and tell them you are fed up with it, and I hope you do. That is what a democracy is about. But you can also make sure that you participate and vote in the next election. Ultimately, in a democracy, the American people have the last word at the polling place on election day. If you are satisfied with an empty Chamber doing nothing, ignoring infrastructure, delaying disaster aid, if you think that is a good thing for this country, I suppose you know how you should vote. But if you are fed up with it and looking for change, I hope people across this country will see what happened today as a call to arms—maybe, importantly, a call to the polls.

IRAN

Mr. President, yesterday there was a briefing for Members of the Senate, Democrats and Republicans. It was a closed-door briefing in an area of the Capitol the public has no access to. In that briefing room, they close the doors; they take away your telephone; and they ask if you have any other electronic devices to make sure that when you walk in that room, you can hear things, classified information, sometimes top-secret information, which is not available to most Americans and should not be. It is sensitive.

It is important. It relates to our national security. We don't meet there a lot—maybe once a month at most—and when we meet, we are together as Democrats and Republicans for a briefing.

The briefing yesterday was from the Secretary of State, Mr. Pompeo, and the Acting Secretary of Defense. They came in and talked to us about the situation in Iran. I can't disclose the specifics—I am duty bound not to—but I can speak in general terms about what was said and what I think it means to the rest of America.

I listened in disbelief yesterday to the administration's briefing justifying a confrontation with Iran. While I was listening, I thought to myself, before America plunges into another Middle Eastern war, we ought to take stock and remember how we got into the two wars in that part of the world—two wars, one of which is still raging, that left American soldiers subject to injury and death every day and cost American taxpayers billions of dollars.

When we got into wars in Afghanistan and Iraq, we were led to believe that suddenly there were urgent events spiraling out of control in the Middle East that could only be stopped by U.S. military intervention. Some of my colleagues still in Congress today were here during that debate. On the floor of the Senate, we voted on the question of the invasion of Iraq. I remember it because it was about 4 weeks before the election. The vote was taken around midnight, and most Members, as they voted, left. I stayed because I wanted to hear the final vote.

There were 23 of us who voted against the invasion of Iraq: 1 Republican—Senator Chafee—and 22 Democrats. I can recall that some of my colleagues who voted against that invasion of Iraq lingered in the well. One of them was Paul Wellstone of Minnesota. Wellstone was up for reelection—a tough reelection in his home State. The popular sentiment was on the side of the invasion of Iraq. Wellstone voted against it.

I went up to him, and I said: "Paul, I hope this doesn't cost you the election."

He said to me: "It is all right if it does. This is who I am. This is what I believe, and the people who elected me expect nothing less."

Sadly, Paul Wellstone died in a plane crash before that election a few weeks later. I still remember him right there in the well, talking to him about that vote.

At the time, we had been told by Vice President Cheney and others that Iraq had weapons of mass destruction, which threatened not only friends and allies, like Israel, but could threaten the United States of America.

Former Pentagon adviser Richard Perle argued before the invasion of Iraq that the Iraqis were going to pay for the war from their oil wealth. They would pay for this—whatever it would cost the American taxpayers—and he

said there was no doubt that they would.

President George W. Bush claimed the war was his last choice, and then he provocatively tried to link al-Qaida—the terrorists responsible for 9/11—with Saddam Hussein, the leader of Iraq—a specious claim that has never been proven and was restated by Secretary of Defense Donald Rumsfeld. Rumsfeld even tried to claim that a war in Iraq would last—listen to this—"five days or [maybe] maybe five weeks or five months, but it certainly isn't going to last any longer than that," said our Secretary of Defense, Donald Rumsfeld. We are now in the 18th year of that war.

Deputy Secretary of Defense Paul Wolfowitz and Vice President Cheney said that when the Americans arrive in Iraq, we would be welcomed as liberators. Wolfowitz went on to say—he estimated that this call for hundreds of thousands of American troops to fight there was way off the mark.

Five days or 5 weeks or 5 months?

Well, the war started not long after these claims. It included deploying more than 150,000 American troops over and over and over again, and it has lasted for 18 years. No weapons of mass destruction were ever found. We were not greeted as liberators. The Iraqi oil interest did not pay for the cost of the war; the American taxpayers and families did. Sadly, more than 4,500 Americans gave their lives in that war, and 32,000 were wounded, some gravely wounded.

One of those wounded veterans is my colleague in the Senate, Senator TAMMY DUCKWORTH. She was in the National Guard as a helicopter pilot. Twelve years ago, when she was flying over Iraq, a rocket-propelled grenade came into the cockpit and exploded. As the helicopter came to a crash on the ground, Tammy lost both of her legs and was at that point in danger of losing her arm, which she didn't, thank goodness. Today, she serves as my colleague in the Senate.

In one of the many cruel ironies in what I believe to be one of the worst foreign policy disasters in American history, the unintended consequence of our invasion of Iraq was to give the nation of Iran a strategic victory by virtually turning Iraq into a client state.

Make no mistake—our war and invasion of Iraq emboldened and empowered Iran. How do some of the current occupants of the White House driving policy against Iran feel about the Iraq war disaster? Well, in 2015, National Security Advisor John Bolton said: "I still think the decision to overthrow Saddam was correct." He made that statement 1 month after writing a New York Times op-ed—this is John Bolton, the President's National Security Advisor—an op-ed entitled: "To Stop Iran's Bomb, Bomb Iran."

Now match this painful lesson in history with the current President having surpassed 10,000 false or misleading claims so far in a little over 2 years in

office—more than 10,000 false claims in less than 3 years. So you will understand my skepticism in trusting this administration of the President's to tell us the truth about the next war they are planning in the Middle East. In fact, within a single week, President Trump tweeted that he had hoped not to go to war with Iran and then went on to tweet that he would lead the fight "that will be the official end of Iran." You can't keep up with this President and his tweets.

Does this not trouble or give pause to any Republican colleague whose constituents might be called to serve in the third Middle Eastern war that the United States is participating in?

Let me also remind my colleagues that before any one of us can vote on the Senate floor, we walk down this aisle, over to this corner, and wait for the Vice President of the United States to ask us to take the oath of office, to swear to uphold the Constitution of the United States.

The Constitution of this country makes it expressly clear that the decision to go to war cannot be made solely by a President; it is to be made by the American people through their elected representatives in Congress, in the House and in the Senate. Before there is any war, the American people should have the last word, according to our Constitution.

What I find most stunning about the administration's march to war in Iran is that its actions have really contributed to the current tension and confrontation we have in Iran. President Obama worked for years to come up with an agreement and to bring together an alliance to make certain that Iran could never develop a nuclear weapon.

Listen to the participants in this alliance: of course, the United Kingdom, our longtime ally; France; the European Union; the United States; Germany; Russia and China. They are all part of this agreement to stop Iran from developing a nuclear weapon. The Republicans opposed it to a person, but the President was able to implement it.

That agreement called for constant inspection by United Nation's agencies—nuclear agencies—to make certain that Iran lived up to the terms of the treaty and did not develop nuclear weapons. It worked. The inspectors came and told us, time and again, there were no locked doors, there was no denial of entry, no denial of access. They were able to look behind closed doors and came to the conclusion that Iran was complying with the treaty and not developing nuclear weapons.

Then President Trump announced he was walking away from this agreement, walking away from this requirement under the treaty for neutral inspectors to crawl all over Iran and make sure they were living up to the terms of the agreement. That was the beginning of the Trump policy on Iran that leads us to where we are today.

President Trump has been pursuing a provocative and incomprehensible policy of regime change in Iran, trying at one moment to flatter and meet with President Rouhani to negotiate and then the next moment threatening to obliterate Iran from the planet. President Trump withdrew from that nuclear agreement and tried to starve Iran of the agreed benefits it was to receive from that deal.

Let me be clear, there is no doubt that Iran is responsible for dangerous conduct around the world, which I will never approve of, but an Iran with nuclear weapons is dramatically more dangerous than one without. The President doesn't understand that basic fact. Why not push back against Iran without withdrawing from the nuclear agreement? Why give them the pretext for belligerence and undermine our credibility with the global powers that joined us in that nuclear agreement?

The tragic end result of this President's incoherent policy in Iran is that our allies are united against us, and Iran may restart nuclear activities within the next few weeks. President Trump's policy at the direction of Mr. Bolton seems to have only increased regional tensions, incentivized Iran to restart its nuclear weapons program, and fomented a pretext for another Middle Eastern war.

This Congress, too often a rubberstamp for this President's worst behavior, must do more in the next few weeks and months to stop this effort based on the briefing we received yesterday. Wars are so easy to get into and so difficult to get out of. When I hear our advisers, in general terms, talking about short wars, I think about Iraq, and I think about Afghanistan and the fact that, 18 years later, with gravestones all across the United States, we are still paying the price for decisions that were made so long ago. Let us think twice before we engage in direct military confrontation with any country and, certainly, with Iran.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1602 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### SENATE LEGISLATIVE AGENDA

Mr. KENNEDY. Mr. President, I don't have a speech prepared. I just want to share a few thoughts with my colleagues. What I am about to say I intend to say gently and constructively, and that is this: We need to do more. We need to do more. By "we," I mean the U.S. Congress.

We have completed almost 25 percent of the time allotted to this current Congress. And what have we done? Other than nominations, which are important—and I will come back to that—we have done nothing—zero, zilch, nada.

Let me talk about my friends in the House of Representatives first. I have great respect for them. I wish I had served in the House. I would have loved to have had that experience. So far, our friends in the House—at least the leadership—have done two things. No. 1, they have passed bills they know have not a hope in Hades of passing the U.S. Senate. We call those bills messaging bills, as you know. They are not designed for the next generation. They are designed for the next election. They don't do anything to make the American people any more secure or improve the quality of their lives, and we all know that.

The second thing that my friends in the House leadership have done—and I say this with all the respect I can muster—is to harass the President.

Again, I say this gently, and I say this, hopefully, constructively to my friends in the House leadership: The House leadership needs to urinate or get off the pot. The House leadership needs to indict the President of the United States, impeach him, and let us hold a trial—he will not be convicted—or they need to go ahead and hold in contempt every single member of the Trump administration so we can move those issues into our court system and get back to doing the people's business.

Now, if they decide to go the court route, I would caution my friends to be very, very careful because once it enters the court system, it becomes a zero-sum game. One or two things are going to happen. Either the administration will win, in which case the oversight authority of the U.S. Congress will be undermined, or the House leadership will win, in which case no American with a brain above a single-cell organism is going to want to run for President of the United States, because Congress will be able to find out everything about your life, even the most intimate details, whether it is relevant to your job or not and whether it happened when you were President or not.

What I hope happens is that my friends in the House leadership and the administration sit down and talk—not talk like 8-year-olds in the back of a minivan fighting but talk constructively about how their behavior could impact important institutions in this country—and work it out.

I thank the Attorney General for making overtures to the House leadership to try to find common ground.

Now, let me talk about the Senate. We need to do more. I am not saying we haven't done anything. We have confirmed some very important nominees to the Trump administration. It is long overdue. They are fine men and women. We have confirmed some very fine men and women to the Federal Judiciary, and I believe they will make this country safer and will make this country better. I am very proud of that effort. So let me say it again. I am not saying we have done nothing. I am saying we need to do more.

There are issues where our Democratic friends and my Republican friends have more in common than we don't. We need to bring the bills to the floor of the Senate. Everyone has their own list, and everyone in the Senate knows what I am talking about, whether they will say it or not.

What is one of the things that moms and dads worry about when they lie down at night and can't sleep? The cost of prescription drugs. There is bipartisan support for prescription drug reform.

I just read a study in the Journal of the American Medical Association. They studied the U.S. healthcare delivery system and the healthcare delivery systems of all other wealthy countries. So it is apples to apples. In America, we pay about \$1,500 for every man, woman, or child every year for pharmaceutical drugs. In the average rich country, other countries pay \$750.

I am not criticizing our pharmaceutical drug companies. What they do is marvelous. We live longer. They save money. They keep us out of hospitals. But why is everybody else paying \$750 and our people are paying \$1,500? There are things we can do that will help make the pharmaceutical industry better but also help consumers. Do you know what we are doing about it? Nothing. We need to bring a bill to the floor.

I could give you another example. We all know there needs to be reform of our National Emergency Act. We know that. It is not about President Trump. It is about institutions, checks and balances, and Madisonian separation of powers.

We could do something together to get rid of spam robocalls. I get about 12 a day.

ROB PORTMAN has a great bill that would end government shutdowns. We have more in common on that than we don't.

We need a supplemental disaster bill. We have Americans who are hurting. In my State, after Katrina, we were flat on our backs. If it hadn't been for the American taxpayer, we would have never risen to our knees, much less to our feet. We have other Americans and friends in Puerto Rico who need help. We ought to be able to work it out.

I could keep going. Everybody has their own list.

I don't care whether we move a bill through committee or whether we bring a bill directly to the floor of the Senate—I am in labor, not management; that is above my pay grade—but we need to try. We need to try.

I understand it is an election cycle. I get that. I say to the Presiding Officer, I am a politician. You know that. But we are always in an election cycle. When are we not in an election cycle? And I understand some of my colleagues with a lot more experience than I have—and I listen carefully to them, and I try to listen carefully to them—are thinking right now: Kennedy, that is just not the way it is done here.



Well, by God, maybe it is not, but maybe it should be.

I know some of my friends are thinking: Kennedy, if we do that, we are taking too big of a political risk.

Maybe we are. Maybe we will win.

I just think that there are bills that will make the American people able to live better lives, and we ought to spend a little more time thinking about the next generation than the next election.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

#### THE FEDERALIST SOCIETY

Mr. WHITEHOUSE. Mr. President, on Tuesday, the Washington Post published an important piece of investigative journalism. The journalists looked into a very narrow, very wealthy group of special interests seeking to control our Federal judiciary. It was a revealing story, one that matters a great deal to the Senate and to the people we serve. I come to the floor today to discuss that tightening special interest grip on our courts.

The central operative in this court-fixing scheme is Leonard Leo of the Federalist Society, the organization at the center of this effort. As I described here on the Senate floor several weeks ago, there are three incarnations of the Federalist Society.

The first is a debating society for conservatives at law schools. They convene panels and forums for like-minded, aspiring lawyers to talk about conservative ideas and judicial doctrine. That is all fine.

The second is a flashy Washington, DC, think tank. They attract big-name lawyers, scholars, and politicians—even Supreme Court Justices—to their events. They publish and podcast. They hold black tie galas. I don't agree with the work they do, but I don't question their right to do it.

The third Federalist Society is what was exposed in the Post article. It is something much, much darker, both in its funding and in its function. It is a vehicle for powerful interests seeking to "reorder" the judiciary under their control so as to benefit their corporate rightwing purposes. It seeks to accomplish by judicial power grab what the Republican Party has been unable to accomplish through the open Democratic process.

This third, dark Federalist Society understands the fundamental power through the Federal judiciary to rig the system in favor of special interests.

So what did the Post find out about how our judges on the most important courts in the country are selected? It found a network of front groups. It found shell entities with no employees.

It found shared post office mail drops, common contractors and officers across nominally separate entities, even common presidents of nominally separate entities. In these characteristics, it has some resemblance to money laundering and crime syndicates.

What else did they find? They found dark money funders, anonymous advertising, enormous pay packages for the operatives, and judicial lists prepared secretly. It found \$250 million in dark money flowing through this apparatus.

The story turns up familiar dark money political funders like the Mercers and the National Rifle Association, but it also exposes groups that are harder to spot, which may not have garnered much attention before but serve central functions in Leonard Leo's court-fixing apparatus.

A few weeks ago I delivered remarks on the Senate floor about the sweeping influence of Leonard Leo and the Federalist Society court-fixing scheme. I touched on one Federalist Society product of this scheme in particular: the newly confirmed DC Court of Appeals judge, Neomi Rao. I described some pretty straightforward facts about Rao. Her connection to the Federalist Society is no secret. Sitting on the DC Circuit right now, her bio still appears on the Federalist Society website along with the list of 26 times she has been featured—26 times she has been featured at Federalist Society events.

Before being nominated for one of the most influential courts in the country, which some call the second highest court in the land, she had never been a judge, she had never tried a case. Instead, she had served as the Trump administration's point person for helping big Republican donors tear down Federal safety regulations. She did this as the head of the White House's Office of Information and Regulatory Affairs, OIRA. That is not disputed.

Before that, she founded something provocatively called the Center for the Study of the Administrative State at George Mason University's Antonin Scalia Law School. Her center is a cog in Leonard Leo's machine.

Let's revisit Rao's testimony before the Senate Judiciary Committee about the funding for the Center for the Study of the Administrative State. She testified that neither the Koch Foundation nor any anonymous donors had funded her center. Well, a trove of documents obtained by me, the New York Times, and others showed that was not true. A Virginia open records request had revealed that an anonymous donor funneling its dark money donation through Leonard Leo and the Charles Koch Foundation in fact donated \$30 million intended to flow to her organization, her Center for the Study of the Administrative State.

Well, my remarks drew quite a reaction. The center's current director took to Medium to post a 2,500-word rebuttal. He claimed I was all wrong about the center's funding—that none

of its money came from those anonymous and Koch brothers' donations.

The National Review jumped into the fray and noted the Medium post on its website. The nub of their criticism was that although I was right, the Scalia Law School had indeed received millions in anonymous and Koch brothers' money. That money had gone to fund scholarships, not to the anti-regulatory Center for the Study of the Administrative State.

Let's start by assuming that is true. I will tell you, if I gave \$30 million to my alma mater "for scholarships," I would expect a thank-you. I expect they would see a gift of \$30 million in scholarships as a benefit to the school. If they were asked "Has Senator WHITEHOUSE ever given you a gift?" I would expect them to say "Yes, he gave us a \$30 million scholarship fund." I might even expect a nice press release. So I don't buy the "this was just scholarships money" dodge around telling the truth to the Judiciary Committee.

But look a little more. In 2016, George Mason University, indeed, received a \$10 million donation from the Charles Koch Foundation and, indeed, did receive a \$20 million donation from an anonymous donor. Both gifts came with grant agreements, and these grant agreements were among the Virginia open records documents. So we can learn a little bit more.

The grant agreements stipulate that the money was intended to fund "scholarships" but also specify that gifts were conditioned on the school's providing "funding . . . and support for"—you guessed it—Neomi Rao's Center for the Study of the Administrative State.

That is not all we found. Private communications revealed with the grant agreements show that the Koch Foundation and their handpicked law school administrators viewed all of this money as fungible.

I earlier said that if I gave \$30 million, I might expect a press release. The Antonin Scalia Law School did a press release. Its announcement of this funding stated: "The scholarship money will also benefit the institution because it frees up resources that can be allocated for other priorities, including additional faculty hires and support for academic programs."

It didn't end there. The documents keep telling us more. They include a progress report—a progress report—to the Koch Foundation. Under the heading "most pressing needs," Dean Henry Butler wrote to the Koch Foundation: "Cash is King (scholarships are cash)." In that same memo to the Koch Foundation—which, by the way, is kind of a bizarre document to exist in the first place, unless this is kind of a front for Koch brothers' political activities—Dean Butler also made clear that Rao's center had indeed received hundreds of thousands in funding from an anonymous donor, just as I charged, and further made clear that Rao's center was

being funded with \$400,000 from “naming-gifts scholarship revenue”—the Koch brothers’ “scholarships” money that was earmarked for Neomi Rao’s center. It was being rerouted to fund Leonard Leo and Neomi Rao’s project to gut public protections in this country on behalf of those donors. The dark plot thickened.

Here is the most interesting part of all. The open records documents also show that the law school dean, Henry Butler, regularly reported to Leonard Leo on developments at Neomi Rao’s center, including faculty hiring and other Federalist Society priorities. The emails are very cozy. The dean is deferential. There is even a calendar entry for lunch at a Washington, DC, restaurant for Neomi Rao, Henry Butler, and Leonard Leo. Cozier still is that another condition of the Koch Foundation’s massive gift was that Henry Butler be protected as dean because they viewed him—specifically him—as “critical to advancing the school’s mission.” That mission? Doing the Koch Foundation and Leonard Leo’s bidding to help cripple public interest protections in this country for big special interests funding Leo, funding the center, and funding the Federalist Society.

Neomi Rao’s defenders were quick to push back on this point and argued that my criticisms of her center’s work was stifling their academic inquiry. They pointed to the center’s research roundtables and public policy conferences as evidence of its fair and independent academic bona fides.

Sorry, but it is tough to buy when, in one private fundraising email, Dean Butler was revealed to have asked one wealthy donor for a \$1.5 million gift “to entice Neomi [Rao] to return home to Scalia Law after she dismantles the administrative state.”

Tell me, who is the real threat to academic inquiry here?

Perhaps more to the point, now that she is a judge: Who is a present threat to judicial independence on the DC Circuit Court of Appeals?

Fancy lunches and weird, cozy relationships between public law school deans and DC power brokers can seem a bit in the weeds, so let’s not lose sight of the bigger picture here. This stuff matters because Americans are now seeing their courts fill with judges, like Neomi Rao, who are expected and chosen to reliably rule for big corporate and Republican partisan special interests—the ones funding the Federalist Society’s selection of these judges, the ones funding the Judicial Crisis Network’s confirmation of these judges, the ones funding Amici, the front group Amici that shows up to argue in court.

I recently looked at the numbers for the Federalist Society-dominated Supreme Court. Under Chief Justice Roberts’ tenure, through the end of the October term of 2017 to 2018, Republican appointees delivered partisan 5-to-4 rulings that favored corporate or Republican partisan special interests, not

three or four times, not even a dozen or two dozen times, but 73 times. If you look at the Court’s cases during Chief Justice Roberts’ tenure and look at the 5-to-4 decisions and look at the 5-to-4 decisions wherein the breakdown between the five and the four was partisan and look at those 5-to-4 partisan decisions, for the ones in which there was a clearly apparent, big Republican donor interest, you will find that every single one of those 73 decisions was won—was decided—in favor of the big Republican donor interest. There were 73 victories delivered for big Republican interests with there being no Democratic appointee who joined the majority.

Here is one case study—a recent decision after the 73. It is *Lamps Plus v. Varela*. The plaintiff, Frank Varela, sued his employer, Lamps Plus, after a company data breach led to a fraudulent tax return being filed in his name. An appellate court looked at the case and relied on a State contract principle to agree with plaintiff Varela. That is a traditionally conservative principle—deferring to State laws. Along came the Supreme Court in this case, and it ditched the conservative principle to rule in favor of the corporation in a 5-to-4 partisan decision.

There is another case study pending before the Court now—*Kisor v. Wilkie*. On its face, Kisor addresses an obscure administrative law doctrine about judicial deference to Federal Agencies, but Kisor has been described as a “stalking horse for much larger game.” The larger purpose is to strip away judicial deference to administrative Agencies’ capacity to regulate independently in the public’s interest.

You have to understand that if you are a mighty corporation, you come to an administrative Agency from a position of terrific advantage ordinarily, and where administrative Agencies are willing to stand up, that is important, but if you can get your judges on a court and strip away that deference, now you can put the fix in through the courts.

Imagine a world in which Federal Agencies get virtually no judicial deference and in which Leonard Leo’s special interest, handpicked judges rule on Americans’ disputes with big corporations. If these big special interests are sick of protections for workers in the workplace, let the judges get rid of them. Dismantle the administrative state. If a big special interest is sick of safeguards for our air and water or dangers in toys our children play with, dismantle the administrative state. Tear down the safety regulations. They will have the judges to do that. If corporations are sick of a guardrail that keeps our financial system from dragging down millions of Americans’ financial security, these judges stand ready to dismantle the administrative state that protects investors.

Leonard Leo’s dark Federalist Society element is installing judges who are poised to systematically and re-

lentlessly dismantle government Agencies that are sworn to keep us safe and secure.

How do you push back on this machine wherein the big-money special interests select a nominee by contributing to the Federalist Society and Leonard Leo’s secretive judicial lists and judge-picking process? They spend money campaigning for their selected judge’s confirmation through the Judicial Crisis Network. They then spend money through amicus briefs and argue before the judges on whom they have spent money to select and confirm. Sure enough—bingo—it is 73 to 0 in the important decisions in which they can get the Republican appointees to gang up in a group of five and deliver and deliver for the interests of the center of this, which you can’t properly identify because it is not transparent.

The Federalist Society doesn’t disclose its donors. The Judicial Crisis Network doesn’t disclose its donors. The Supreme Court rule doesn’t get at who the real donors are to this phony front group, Amici. You find out later on who the winners are—73 to nothing.

How do you push back on that machine? You push back with sunlight, with transparency. We must have transparency in our campaign finance system. We must have transparency in this special interest conveyor belt that is filling our courts. We should also have transparency in the courts. Right now, the dark money-funded front groups behind Leonard Leo and behind the Federalist Society’s judge-picking operation are probably also behind those amicus briefs. With a little transparency, we would know. It is through these amicus briefs that the judges who were selected and confirmed by these folks get instructed on how they should rule. This is a recipe for corruption.

The Court itself should require real transparency from so-called friends of the Court. These amicus groups come in under a Supreme Court rule. The Supreme Court rule only requires them to disclose who paid for the brief. Yet who is really behind the group? We don’t know. The Supreme Court could correct that. It could correct it like that, but then it would start to expose who is here.

If the Court will not, Congress must. Democracy dies in darkness, it has been said, and so does judicial independence. The American people deserve to know when powerful special interests are paying to sway Federal judges with self-serving legal advice. If those same interests paid to get those judges selected and paid to campaign for their confirmations and then paid to have the amicus briefs put before the Court, the need for the American people to understand what is going on becomes even more profound.

I close with a big thank-you to the Washington Post for its reporting. Thanks to its careful investigative work of its pouring through tax records and interviews, we now know a lot

more about the Federalist Society's court-fixing operation.

Our President likes to describe investigative journalism that pokes and probes at the mischief of his administration as fake news. There is nothing fake about this news. This is in the best traditions of investigative journalism, and I am grateful for its work to illustrate how our courts are being captured by corporations and runaway partisanship that is fueled by dark money.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Wisconsin.

#### HEALTHCARE

**Ms. BALDWIN.** Mr. President, I rise today to speak about the ongoing threat from the Trump administration to healthcare and the guaranteed protections that millions of American families depend upon.

President Trump has tried to pass repeal plans that would take people's healthcare away and allow insurance companies to charge more for people with preexisting health conditions or those insurance companies could deny them coverage altogether.

When that repeal plan failed to pass in the Senate in the summer of 2017, instead of working in a bipartisan way to lower healthcare costs, President Trump turned to truly sabotaging our healthcare system.

What do I mean by that?

The Trump administration made it harder for people to sign up for the Affordable Care Act coverage. They have done so by limiting the window of time when people can enroll. They have truly created instability in the healthcare market, and their sabotage has contributed to premium spikes that we have seen across the country, including in my home State of Wisconsin.

The Trump administration has even gone to court to support a lawsuit in order to overturn the Affordable Care Act completely, and that, of course, would include protections for people with preexisting health conditions. They have essentially gone into court to ask the court to strike down the Affordable Care Act. Now, if they were to succeed, insurance companies will again be able to deny coverage or charge much higher premiums for the more than 130 million Americans who have some sort of preexisting health condition. The number with preexisting health conditions includes some 2 million Wisconsinites.

What is the President's plan to protect people with preexisting health conditions? He doesn't have one, and I don't believe he ever will.

In fact, he has acted in just the opposite vein. This administration has expanded junk insurance plans that can deny coverage to people with preexisting conditions, and they don't have to cover essential services like prescription drugs or emergency room care or maternity care.

I ask my friends on the other side of the aisle to think about this for a mo-

ment. President Trump supports overturning the law that provides protections for people with preexisting health conditions at the same time he is expanding these junk plans that don't provide those very protections. If this isn't straight-up sabotage, I really don't know what is.

When I was 9 years old, I got sick. I was really sick. I was in the hospital for 3 months. Now, I recovered, but my family still struggled because I had been branded with the words "pre-existing health condition" and I was denied insurance coverage.

That family and personal experience has driven my fight to make sure that every American has affordable and quality healthcare coverage.

Today, because of the Affordable Care Act, those with preexisting health conditions cannot be discriminated against. They can't be denied healthcare coverage, and they can't be charged discriminatory premiums.

I want to protect the guaranteed healthcare protections that so many millions of Americans now depend upon. I have introduced legislation along with my colleague Senator DOUG JONES of Alabama to overturn the Trump administration's expansion of junk insurance plans.

The entire Senate Democratic caucus, including the two Independents who caucus with us, have supported this legislation. They have signed on to this bill. The Nation's top healthcare organizations, representing tens of thousands of doctors and physicians, and patients and medical students, and other health experts have supported this legislation and endorsed it. Anyone who says they support healthcare coverage for people with preexisting conditions should support my legislation.

#### UNANIMOUS CONSENT REQUEST—S. 1556

**Mr. President,** as in legislative session, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. 1556; that the Senate proceed to its immediate consideration; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

**THE PRESIDING OFFICER.** Is there objection?

The Senator from Tennessee.

**Mr. ALEXANDER.** Reserving the right to object, this is the latest Democratic attempt to raise the cost of healthcare paid for out of your own pocket by taking away an ability to provide lower cost health insurance that preserves preexisting condition protection and the essential health benefits. These short-term health benefits were available under President Clinton. They were available under President Bush. They were available under President Obama right until the last few months of his office, when he cut them down to 3 months long.

President Trump has simply said that you may now have them up to a

year and renew them for 3 years. If you live in Fulton County, GA, your insurance costs will be 30 percent less against the typical ObamaCare bronze plan and even more against the silver plan.

This is the latest Democratic attempt to increase the cost of what you pay for healthcare out of your own pocket. Their next attempt will be Medicare for All, which, if you have health insurance on the job, will take that health insurance away.

I object.

**THE PRESIDING OFFICER.** Objection is heard.

The Senator from Wisconsin.

**Ms. BALDWIN.** Mr. President, I am certainly disappointed that my Republican colleagues have chosen to object to protecting people with preexisting conditions.

It is my contention that some of the very opposite impacts, because of these junk plans, are occurring than what my colleague has recited. In fact, I hardly consider them insurance plans. Many have argued that they are not worth the paper that they are written on. They don't cover many essential benefits. They are not required to cover people with preexisting health conditions. They can drop people. They can charge outrageous prices. What we found—and the reason that the Obama administration went from yearlong plans to 3-month plans—is that they saw the distortion in the markets. They saw that people who had believed that they might not get sick—healthy, often younger people—were availing themselves of these plans, making the Affordable Care—

**Mr. ALEXANDER.** Mr. President, will the Senator yield for a question?

**Ms. BALDWIN.** I would yield to one question, and then I want to wrap up my comments.

**Mr. ALEXANDER.** Mr. President, is the Senator of Wisconsin not aware that the short-term healthcare plans do not change the law of preexisting condition?

**Ms. BALDWIN.** Mr. President, these short-term plans do not have to cover preexisting conditions. I can tell you, as I have inquired—

**Mr. ALEXANDER.** Mr. President, may I—

**Ms. BALDWIN.** I yielded already for a question. But I want to say—

**Mr. ALEXANDER.** She gave the wrong answer, Mr. President.

**THE PRESIDING OFFICER.** The Senator from Wisconsin has the floor.

**Ms. BALDWIN.** It may not be to the Senator's liking, but I was going to tell you about the plans that I read the fine print on from the State of Wisconsin. Now that these short-term plans are renewable for up to 3 years, in these junk plans, you can see the fine print. Many times they start with this: We will not cover a preexisting condition. Every single one of them refuses to cover maternity care. That means none of these junk plans cover that essential benefit. Most of them don't cover

emergency room care. Most of them don't cover prescription drugs. So regardless of how the law impacts people who have other types of insurance, I feel strongly that these junk plans are very distorting of the market and not worth the paper they are written on for those who have chosen to take that route.

Last fall, we heard all my colleagues across the aisle say, often repeatedly, that they support protections for people with preexisting health conditions. Today I just offered an opportunity for Democrats and Republicans to come together to protect people's access to quality, affordable healthcare when they need it the most, but there was an objection.

I say to the American people that we must not lose sight of the fight right in front of us. We have a President who time after time has sabotaged our healthcare system, raised healthcare costs, and pushed these junk insurance plans that don't have to cover people with preexisting conditions. We have an administration that is asking a court to strike down the Affordable Care Act and its protections for people with preexisting conditions in their entirety.

The choice for the American people could not be more clear. We want to make things better, and my Republican colleagues refuse to join us in this effort, which would be to prevent this administration from making things worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PROTECTING AMERICANS WITH PREEXISTING CONDITIONS ACT OF 2019

Mr. MURPHY. Mr. President, the House recently passed a piece of legislation called the Protecting Americans with Preexisting Conditions Act. The substance of this legislation would prevent a Trump administration rule from going into effect that would allow for States to license the kind of insurance plans that Senator BALDWIN was referring to. These are plans that do not cover preexisting conditions or the essential healthcare benefits.

I am going to offer right now a unanimous consent request to proceed to immediate consideration of this bill. I suspect it will be objected to. After an opportunity for Republicans to object, I will speak to the merits of this legislation. So let me start with a request to bring this legislation that will protect people with preexisting conditions and the essential healthcare benefits to the floor.

UNANIMOUS CONSENT REQUEST—H.R. 986

Mr. President, my motion is as such: As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 90, H.R. 986, Protecting Americans with Preexisting Conditions Act of 2019; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving my right to object, section 1332 is the innovation waiver that is part of the Affordable Care Act, passed by the Democratic majority. That act includes protection for preexisting conditions. Using the flexibility granted under section 1332 does not change anything about preexisting conditions. So it is misleading to the American people to suggest that it does.

This is another Democratic attempt to make it more expensive, to cost more for what you pay for healthcare out of your own pocket by taking away flexibility from the States to find a less expensive way for you to afford healthcare and, at the same time, not changing the preexisting condition protection that is provided by the Affordable Care Act. This is the latest attempt to do it, but the boldest attempt to raise the cost of your healthcare is Medicare for All, which if you have insurance on the job, as 181 million Americans do, would take that insurance away from you.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURPHY. Thank you, Mr. President. Again, I share in Senator BALDWIN's disappointment that we can't move immediately to this legislation. This isn't a political game. These are individuals all across the country who are relying on us to make sure that they are not subject to the abuses of the market. They are relying on us to make sure we don't return to the days in which insurance companies could prevent you from getting healthcare simply because you were sick or return to the days when you bought an insurance product and then it didn't turn out to ultimately be insurance.

Let's be clear. The waiver that the President has allowed States to take advantage of would absolutely—it would by definition of the rule—allow for States to waive the preexisting condition requirement. The rule itself says that the innovation that happens at the State level does not have to comply with the essential healthcare benefits requirement. It says in the rule that you do not have to comply with preexisting conditions requirements. That is the reason that they are so cheap. So I am at a loss as to why we have Republicans on the floor saying that preexisting conditions will be protected under this rule. That is not true. The rule says that States do not have to comply with the preexisting requirement. It says that States do not have to cover essential healthcare benefits. That is why these junk plans are attractive, because they aren't actually insurance, and they are only insurance for people who are at the time very healthy.

We have to get on the same page here. We have to be reading from the same script. The fact of the matter is,

the definition of the rule allows for protections for people with preexisting conditions to be discriminated against.

I am sorry that we weren't able to bring up this piece of legislation because healthcare insurance should be healthcare insurance. And what we worry about are two things. First is that by allowing for the marketing of these junk plans, you are going to have all sorts of people who today aren't sick jumping into those plans, coming off of the plans that protect people with preexisting conditions. The people who are going to be left behind on those regulated plans are people who are sick, people who have preexisting conditions. So you are, all of a sudden, bifurcating the insurance market. You are going to have a market for people who are currently healthy, and then you are going to have a market for people who are sick or have ever had a preexisting condition.

You do not have to be an actuary and you don't have to have taken classes in healthcare insurance economics to know that when that happens, rates skyrocket for people who have a preexisting condition—for the millions of people around this country who have had a serious diagnosis at some point during their life.

So as you sell these junk plans, there is no way but for costs to go up. That is on top of the increases we saw last year. Last year, insurance companies priced in the costs of Trump administration sabotage. They priced into their premiums the attacks on our healthcare system from the Republican Congress.

In many States, we saw insurance plans pushing 60 percent, 40 percent, and, in some cases, 80 percent increases in premiums. Now on top of that, for sick people, for people with preexisting conditions, the rates are going to be even bigger because of the flight of those without preexisting conditions into marketplaces set up specifically for them.

The second thing we worry about is that these junk plans market themselves as insurance, but they aren't. Here is a list of things that I would generally consider to be covered under my insurance plan.

If I bought an insurance plan, if I handed over a check to the insurance company, I kind of think that if I go to the emergency room, I am not going to have to pay for it out of my pocket. I am thinking to myself: Well, you know what, if I need prescription drugs, they are going to cover some of that. Well, if I have a mental health diagnosis, doesn't insurance cover my head as well as the rest of my body?

These are the things that I would assume that insurance covers, but these junk plans don't cover these things.

Junk plans do not cover trips to the emergency room. Junk plans often don't cover hospitalizations. They don't cover prescription drugs. Almost none of them cover maternity care. Your checkups might not be covered

under a junk plan. Preexisting conditions will cost you more. Contraception isn't going to be in lots of these plans. They are not required to cover lab services or pediatrics. Mental health isn't going to be in many of these junk plans. As for rehab services, if you get injured, you are not going to find those in some of these plans. And if you have a chronic disease, there is nothing in the law that requires treatment for those to be covered.

So all of a sudden, as for the things you thought insurance covered, they don't cover it, and you have been paying a premium for years. Then, when you finally need access to the system, it is not there. That is what these plans can do. That is what the law and the Trump administration rule allows States to license as insurance. And that is why we are on the floor today, to ask—to plead—to our colleagues to bring legislation before this body, either Senator BALDWIN's legislation or Representative KUSTER's legislation that has already passed the House, that would stop these junk insurance plans from being sold all around this country, which will trick many Americans into believing they have insurance when they don't and will dramatically raise the cost of care potentially in many States for people who have serious preexisting conditions.

I am not surprised at the objection to both of our unanimous consent requests. Nevertheless, I am disappointed in it. We will continue to be down here on the floor for as much time as it takes to try to rally the whole of this body to protect people with preexisting conditions, to fight back against the sabotage of the Affordable Care Act and the healthcare system by this President. Hopefully, one day we will be successful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I am proud to be here on the floor today to join with Senator BALDWIN and Senator JONES on their resolution with Senator MURPHY. I have to say to Senator MURPHY, before he puts that down, I have to look at that list and tell you that, before the Affordable Care Act, I would get calls like this, and I am sure you did, too.

Someone calls me and would say: I paid into healthcare all my life and never gotten sick, and then I finally needed surgery. What do you mean it only pays for 1 day in the hospital? Well, it never paid for more than 1 day in the hospital, but they didn't know it because they didn't get sick.

So folks buy the junk plans—and thank you for the list—but they buy the junk plan being healthy and then will never know that it doesn't cover those things unless they get sick. When they find out, it will be too late.

So that is why we are here because we know that healthcare isn't political. It shouldn't be political. It is personal for every one of us. It is personal

for ourselves and our families. It affects all of us, whether we are Democrats, Republicans, Independents, vote, don't vote, urban, rural from any State in the Union.

In fact, when people tell me their healthcare stories, they don't start by telling me their political affiliation. They talk to me about what has happened to them, what has happened to their mom and dad, what has happened to their children. Political affiliation doesn't matter.

People in Michigan simply want to know that the healthcare they depend on will be there for them and be affordable for them and their family today and into the future, and that is the fight that we have as Democrats. We will continue that fight.

Unfortunately, they have reason to be worried about the rise of short-term, limited duration insurance plans. They should be worried about what these plans don't cover—junk plans, as we are calling them. As Senator BALDWIN said so well, they are junk. They don't really cover anything. They make you feel good, as long as you are healthy, that you have got insurance, but then you find out, when you get sick, that your child is not covered or you are not covered.

The fact many of these plans are medically unwritten, which means that the insurance company—by the way, junk plans are about putting decisions back in the hands of the insurance company, instead of you knowing that you and your doctor can decide what you need and that it will be covered. The insurance companies can charge whatever they want based on somebody's health, gender, age, or other status.

Remember when being a woman was considered a preexisting condition? I do. These plans are bringing that back. One recent study found that none of these plans that have been approved by the Trump administration so far cover maternity care—none of them. We fought hard—I fought hard—as a member of the Finance Committee to make sure that women's healthcare and maternity care were covered. Our healthcare is as basic a healthcare as any man's healthcare and ought to be covered the same.

I want to repeat this. We have a maternal health crisis in this country, and the administration is pushing plans that don't cover basic coverage for women. On top of that, these junk plans can exclude people with preexisting conditions—yes, they can—and impose yearly or lifetime caps on care.

Remember when you had to worry about how many cancer treatments the insurance company would pay for? Now, there aren't caps so that you can decide and your doctor can decide with you on what it takes to put you in remission and put you on a healthy path. It is estimated about half of Michigan families include somebody with a preexisting condition—about half—with everything from heart disease to asth-

ma to arthritis. I met with some of them earlier this month during the National Brain Tumor Society's Head to the Hill event.

Tiffany, who is from Livonia, was just 17 years old when she was diagnosed with a brain tumor. Since then, her tumor has reoccurred six times. She has been through seven surgeries, chemotherapy, and radiation treatments. The location of her tumor means that Tiffany has also lost some of the use of her left arm and hand. Tiffany doesn't have a choice. Her life depends on having comprehensive health insurance. Unfortunately, that kind of insurance is getting less and less affordable.

So when our Republican colleagues come to the floor and say that we just want to raise prices, let me tell you what has really happened in the last year. The sabotage by the Trump administration, the unravelling of the Affordable Care Act, the junk plans, now the instability and going into court to try to totally repeal the Affordable Care Act, all of that instability—everything that has been done—means that comprehensive health insurance costs have gone up 16.6 percent this year, so somebody buying insurance is paying an average 16.6 percent more than they did last year because of all of this effort to sabotage, undermine, and unravel the healthcare system.

Tiffany should be able to focus on getting the treatment she needs and living her best life possible, not how she will pay for the insurance she needs. We all know Tiffany isn't alone. It is estimated that 130 million people in our country are living with preexisting conditions—130 million people. That is 130 million people who could be hurt either directly or indirectly by these short-term junk plans.

Two weeks ago, I had the chance to speak at the Detroit Race for the Cure, which raises money for breast cancer research and services. As I stood on the stage and looked out at over 10,000 people, a lot of beautiful pink all surrounding us in downtown Detroit, I saw people with preexisting conditions. One woman, who was standing on the stage near me, asked me the question: Why is it that I have to worry about whether or not I will be able to get insurance in the future? Why do I have to worry about that?

She added: Why don't President Trump and other Republicans understand this is my life?

It is not political for her. It is personal. It is her life. I think that is a very good question: Why don't Republicans understand that people like Tiffany and those women in pink deserve healthcare protections?

Protecting people with preexisting conditions isn't about politics. It is about saving lives. I urge my colleagues to support this commonsense legislation and the efforts of Senator BALDWIN and JONES.

## VIOLENCE AGAINST WOMEN ACT

Mr. President, I want to take an additional moment to talk about a second issue that is about saving lives.

For almost 25 years, the Violence Against Women Act has helped prevent domestic violence and provide survivors with the things they need to build a better life for themselves and their families. This important piece of legislation is now expired.

The House passed a VAWA—Violence Against Women's Reauthorization bill 48 days ago and sent it to us. It contained important updates to protect people from violent dating partners and stalkers, and it helps restore Tribal jurisdiction over certain crimes committed on Tribal lands.

Unfortunately, just as in the case of junk insurance plans, we have seen no action on this floor—no action—by the majority leader. I think, in fact, it has been over 2 months since we have had actual legislation and votes on legislation that would solve problems and address concerns of the American people. It has been 48 days since the House of Representatives sent us a bill to continue support and funding for domestic violence shelters and other important support.

Well, people with preexisting conditions have waited long enough. Survivors of domestic violence have waited long enough. People whose lives are being threatened by violent dating partners or stalkers have waited long enough.

Here is my question for the Senate majority leader: What are you waiting for?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. I ask unanimous consent that we start the 4:30 votes now.

I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Nielson nomination?

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 123 Ex.]

## YEAS—51

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	Romney
Burr	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Cassidy	Isakson	Sasse
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lankford	Shelby
Crapo	Lee	Sullivan
Cruz	McConnell	Thune
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

## NAYS—47

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall
Cooms	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	

## NOT VOTING—2

Harris Tillis

The nomination was confirmed.

## ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the remaining votes be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Stephen R. Clark, Sr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Clark nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 124 Ex.]

## YEAS—53

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	Romney
Burr	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Cassidy	Isakson	Sasse
Collins	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Toomey
Daines	McSally	Wicker
Enzi	Moran	Young
Ernst	Murkowski	

## NAYS—45

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Cooms	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Peters	Whitehouse
Gillibrand	Reed	Wyden

## NOT VOTING—2

Harris Tillis

The nomination was confirmed.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Carl J. Nichols, of the District of Columbia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nichols nomination?

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

This is a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows: